

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
FAYETTEVILLE DIVISION

ROBERT RAY MILLER

PLAINTIFF

v.

CASE NO. 5:08-cv-05048

SHERIFF KEITH FERGUSON;
CAPT. HUNTER PETRAY;
DEPUTY FAULKENBERRY;
DEPUTY ROBBINS;
DEPUTY HADLEY;
DEPUTY MONROE;
DEPUTY WELLS;
DEPUTY AYERS

DEFENDANTS

REPORT AND RECOMMENDATION OF THE MAGISTRATE JUDGE

Plaintiff Robert Ray Miller (Plaintiff) filed his Complaint (Doc. 1) on March 12, 2008, pursuant to 42 U.S.C. § 1983. This case has been referred to the undersigned by the Honorable Chief Judge Jimm Larry Hendren for a Report and Recommendation.

The Court issued an Order on January 22, 2009, directing Plaintiff to complete and sign a response to the Defendants' Motion for Summary Judgment on or before February 20, 2009. (Doc. 34). This deadline has passed and Plaintiff has failed to respond. However, the mail sent to Plaintiff, including document 34, has been returned to the court, marked "return to sender - not here." An inquiry with www.justicexchange.com yielded no new address for Plaintiff.

Accordingly, it is the report and recommendation of the Magistrate Judge that the above-styled case be DISMISSED for failure to comply with Local Rule 5.5 (c)(2) and notify the court of a change in address, as well as a failure to prosecute the action.

The parties have ten (10) days from receipt of this report and recommendation in which to file written objections pursuant to 28 U.S.C. § 636(b)(1). The failure to file timely objections

may result in waiver of the right to appeal questions of fact. The parties are reminded that objections must be both timely and specific to trigger de novo review by the district court.

DATED this 26th day of February 2009.

/s/ J. Marschewski
HON. JAMES R. MARSCHEWSKI
UNITED STATES MAGISTRATE JUDGE