

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

BOBBY RAY WATKINS

PLAINTIFF

v.

CASE NO. 08-5217

DEPUTY WHALES;
CAPT. HUNTER PETRAY;
DEPUTY BRYSON;
DEPUTY ROLAND;
KEITH FERGUSON;
SGT. CARTER

DEFENDANTS

REPORT AND RECOMMENDATION OF THE MAGISTRATE JUDGE

Plaintiff filed his Complaint (Doc. 1) on September 30, 2008. Mail was returned as undeliverable to the Court on June 1, 2009, November 6, 2009, and the Court entered a change of address on behalf of the Plaintiff on December 11, 2009. However on December 17, 2009, mail was again returned to the Court as undeliverable. The Plaintiff has not contacted the Court in anyway, and no new address could be found for the Plaintiff.

Accordingly, it is my recommendation that Plaintiff's Complaint (Doc. 1) be dismissed for failure to prosecute and failure to keep a current address with the Court as required by Local Rule 5.5.

The parties have fourteen days from receipt of the 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 21st day of January 2010.

/s/ Erin L. Setser

HONORABLE ERIN L. SETSER
UNITED STATES MAGISTRATE JUDGE