

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

MICHAEL ALLEN ADAMS

PLAINTIFF

v.

Civil No. 08-5251

OFFICER DOBBS, Jailer, Washington  
County Detention Center

DEFENDANT

**REPORT AND RECOMMENDATION OF THE MAGISTRATE JUDGE**

Plaintiff, Michael Allen Adams, filed this civil rights action pursuant to the provisions of 42 U.S.C. § 1983 on November 20, 2008. He proceeds *pro se* and *in forma pauperis*. When he filed the case, Adams was incarcerated in the Washington County Detention Center.

At the time Adams filed the action, he was informed that he had an obligation under the rules of this court to keep the court informed of any changes in his address. Rule 5.5 of the Local Rules of the Eastern and Western Districts of Arkansas. On April 6, 2009, all mail sent to Adams at the Washington County Detention Center was returned as undeliverable. Adams failed to provide the court with his new address.

A court staff member was able to obtain from the detention center the home address Adams had provided detention center officials when he was booked in. On April 15, 2009, a change of address was entered on Adams' behalf utilizing this address (Doc. 11). On April 21st and April 27th docket entries were made noting the court had received returned mail from the address utilized in the change of address entered on April 15th.

A court staff member then contacted Adams' probation officer and obtained a home address for Adams. A change of address was entered on Adams' behalf on July 7, 2009 (Doc. 15), utilizing

the home address provided by the probation officer. On July 23, 2009, a docket entry was made noting that all mail sent to the address provided by the probation officer had been returned as undeliverable.

I therefore recommend that this action be dismissed based on Adams' failure to prosecute this action and his failure to keep the court informed of his current address. Fed. R. Civ. P. 41(b); Rule 5.5 of the Local Rules of the Eastern and Western Districts of Arkansas.

**The parties have ten 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 10th day of August 2009.

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