

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

JEFFREY L. SMITH

PLAINTIFF

v.

Civil No. 08-5253

WASHINGTON COUNTY DETENTION
CENTER; SHERIFF TIM HELDER;
MAJOR DENZER; CORPORAL EAST;
CORPORAL J. BLACK; CORPORAL FARBER;
LIEUTENANT MUGGY; CORPORAL MULVANEY;
JAILER C. PINEDA; JAILER GARDNER;
JAILER LAUDERMILK; and JAILER LONG

DEFENDANTS

REPORT AND RECOMMENDATION OF THE MAGISTRATE JUDGE

Jeffrey Lynn Smith filed this pro se civil rights action pursuant to 42 U.S.C. § 1983 on November 25, 2008. His complaint was filed *in forma pauperis* (IFP). At the time he filed the complaint, plaintiff was incarcerated at the Washington County Detention Center.

On December 11, 2008, the court's order entered on December 1, 2008 (Doc. 4) assessing the filing fee under the provisions of the Prison Litigation Reform Act was returned as undeliverable. No other address was available for him.

When he filed the complaint, plaintiff was advised that he had an obligation to keep the court informed at all times of his current address. Plaintiff has not contacted the court with his new address or otherwise communicated with the court since December of 2008. Service of the complaint on the defendants has not been ordered.

I recommend Smith's claims be dismissed on the grounds he has failed to prosecute this action and obey the rules of the court requiring him to keep the court informed of his address. *See* Fed. R. Civ. P. 41(b).

Smith has 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. Smith is reminded that objections must be both timely and specific to trigger de novo review by the district court.

DATED this 31st day of March 2009.

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