

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

MICHAEL RENE EVANS

PLAINTIFF

v.

CASE NO.: 08-5259

RHONDA BRADLEY

DEFENDANT

REPORT AND RECOMMENDATION OF THE MAGISTRATE JUDGE

Now before the Court is the Motion for Leave to Proceed in forma pauperis. (Doc. 2) Plaintiff filed his Complaint pursuant to 42 U.S.C. 1983 on December 12, 2008. (Doc. 1). Plaintiff did not complete his application to proceed *in forma pauperis* (IFP) or provide the filing fee. It was unclear from Plaintiff's application if Plaintiff was incarcerated, and the Court returned the application to Plaintiff for clarification and to complete the inmate account portion of the document, if appropriate. (Doc. 3). The Court entered two new changes of address on behalf of the Plaintiff when his mail was returned as undeliverable. All returned mail was sent to the new addresses. The last change of address yielded no returned mail. However, Plaintiff has not completed his IFP application, paid the filing fee, or communicated with the Court in any manner. Accordingly, it is my recommendation that this case be dismissed without prejudice for failure to prosecute and/or failure to obey an Order of the Court.

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

Dated this 19th day of June, 2009.

/s/ J. Marschewski

HONORABLE JAMES R. MARSCHEWSKI
UNITED STATES MAGISTRATE JUDGE