

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

MANUEL RODRIGUEZ

PLAINTIFF

v.

Civil No. 09-5092

DETECTIVE TURNER,
Rogers Police Department

DEFENDANT

REPORT AND RECOMMENDATION OF THE MAGISTRATE JUDGE

Plaintiff, Manuel Rodriguez, filed this civil rights action pursuant to the provisions of 42 U.S.C. § 1983 on April 10, 2009. He proceeds *pro se* and *in forma pauperis*. When he filed the case, Rodriguez was incarcerated in the Arkansas Department of Correction (ADC).

At the time Rodriguez 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 27, 2009, all mail sent to Rodriguez at the ADC was returned as undeliverable with a notation that he had been paroled. Rodriguez failed to provide the court with his new address.

Rodriguez has not contacted the court since he filed the complaint on April 10th. The court has not had a valid address on since he was paroled sometime prior to April 27th.

I therefore recommend that this action be dismissed based on Rodriguez's 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.

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

DATED this 9th day of September 2009.

/s/ J. Marschewski

HON. JAMES R. MARSCHEWSKI
UNITED STATES MAGISTRATE JUDGE