

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

STEVEN J. HAYS

PLAINTIFF

v.

Civil No. 09-5121

CALIFORNIA HIGHWAY PATROL
and THE STATE OF CALIFORNIA

DEFENDANTS

REPORT AND RECOMMENDATION OF THE MAGISTRATE JUDGE

Steven J. Hays filed this civil rights action pursuant to 42 U.S.C. § 1983. He proceeds *pro se* and *in forma pauperis*.

Because it appeared that venue might be proper in a United States District Court in California rather than in this district, on June 23, 2009, the undersigned entered an order (Doc. 4) directing Hays to complete, sign and return an attached addendum to his complaint.

The addendum was to be returned by July 16, 2009. To date, the plaintiff has failed to respond to the addendum. The court's order and attached addendum have not been returned as undeliverable. Plaintiff has not informed the court of any change in his address.

I therefore recommend Hays' claims be dismissed on the grounds he has failed to prosecute this action and comply with the order of the court. *See* Fed. R. Civ. P. 41(b). **Hays 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. Hays is reminded that objections must be both timely and specific to trigger de novo review by the district court.**

DATED this 27th day of July 2009.

/s/ J. Marschewski

HON. JAMES R. MARSCHEWSKI
UNITED STATES MAGISTRATE JUDGE