

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

MELVIN L. SIMS, JR.

PLAINTIFF

v.

Civil No. 13-5154

TYLER BENSON, Public Defender

DEFENDANT

O R D E R

Now on this 26th day of August 2013, comes on for consideration the **Magistrate Judge's Report and Recommendation** (document #3), filed on July 26, 2013. Plaintiff Melvin L. Sims, Jr. has not filed any objections to the Report, and on August 2, 2013, the Report was returned to the Court -- along with other documents -- marked "undeliverable; recipient no longer at this facility."

It is a litigant's responsibility to prosecute his case and to keep the Court apprised of his current address at all times. **Local Rule 5.5(c)(2)**. Plaintiff in this case has failed to do so.

Moreover, the Court has reviewed the Report and Recommendation and, being well and sufficiently advised, finds that it is proper and should be adopted in its entirety.

IT IS THEREFORE ORDERED that the **Magistrate Judge's Report and Recommendation** (document #3) is **adopted in toto**.

IT IS FURTHER ORDERED that, for the reasons stated in the Report, plaintiff's IFP application is **denied**, and this case is **dismissed with prejudice**. The Clerk is directed to collect from

plaintiff the \$350 filing fee and to place a \$ 1915 strike flag on the case.

IT IS SO ORDERED.

 /s/ Jimm Larry Hendren
JIMM LARRY HENDREN
UNITED STATES DISTRICT JUDGE