

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

TODD M. JACK,

Plaintiff,

v.

Case No: 2:15-cv-744-FtM-99CM

GERBER LIFE INSURANCE
COMPANY,

Defendant.

ORDER¹

This matter comes before the Court on United States Magistrate Judge Carol Mirando's Report and Recommendation ([Doc. #8](#)) filed on July 19, 2016. Judge Mirando recommends dismissing the Plaintiff, Todd M. Jack's Complaint (Doc. #1). On June 14, 2016, Judge Mirando issued an Order ([Doc. #7](#)) wherein she cautioned Plaintiff that failure to comply with the Court's prior Order ([Doc. #7](#)) could result in the Court recommending that this matter be dismissed without prejudice due to Plaintiff's failure to comply with Rules 8 and 10, Federal Rules of Civil Procedure. The Court provided the Plaintiff until July 15, 2016, to file an amended complaint or Plaintiff's Complaint (Doc. #1) could be dismissed.

Furthermore, the Court's Order was returned undeliverable as Plaintiff has not provided an updated address to the Court. Plaintiff has the burden to keep the Court

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apprised of his mailing address. Presently, the Court has no way of communicating with Plaintiff. See *Battle v. Collier County Sheriff's Office*, No. 2:14-cv-98-FtM-29DNF, 2014 WL 905483, at *1 (M.D. Fla. March 6, 2014) (stating that issuing an Order to Show Cause would be futile as the order would be returned, and that the case was subject to dismissal for Plaintiff's failure to keep the Court apprised of his mailing address.) Neither party has filed an objection to the Report and Recommendation, and the time to do so has expired. The Report and Recommendation ([Doc. #8](#)) is ripe for review.

After conducting a careful and complete review of the findings and recommendations, a district judge may accept, reject, or modify the magistrate judge's report and recommendation. See [28 U.S.C. § 636\(b\)\(1\)](#); see also *Williams v. Wainwright*, [681 F.2d 732 \(11th Cir. 1982\)](#). In the absence of specific objections, there is no requirement that a district judge review factual findings *de novo*, *Garvey v. Vaughn*, [993 F.2d 776, 779 n.9 \(11th Cir. 1993\)](#), and the court may accept, reject, or modify, in whole or in part, the findings and recommendations, [28 U.S.C. § 636\(b\)\(1\)\(C\)](#). The district judge reviews legal conclusions *de novo*, even in the absence of an objection. See *Cooper-Houston v. Southern Ry. Co.*, [37 F.3d 603, 604 \(11th Cir. 1994\)](#).

After independently examining the file and upon carefully considering Judge Miranda's findings and recommendations, the Court accepts the Report and Recommendation ([Doc. #8](#)).

Accordingly, it is now


ORDERED:

- (1) The Report and Recommendation ([Doc. #8](#)) is **ACCEPTED and ADOPTED** and the findings incorporated herein.

(2) Plaintiff Todd M. Jack's Complaint (Doc. #1), is **DISMISSED WITHOUT PREJUDICE**.

(3) The Clerk is directed to enter judgment accordingly, terminate any pending motions and close the file.

DONE and **ORDERED** in Fort Myers, Florida this 17th day of August 2016.


SHERI POLSTER CHAPPEL
UNITED STATES DISTRICT JUDGE

Copies: All Parties of Record