

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF FLORIDA
PENSACOLA DIVISION

SANCHEZ PRESTON,
Plaintiff,

vs.

Case No.: 3:08cv68/LAC/MD

D. ELLIS, et al.,
Defendants.

REPORT AND RECOMMENDATION

This cause is before the court upon referral from the Clerk. On August 20, 2008 the court entered an order directing plaintiff to submit one service copy of his amended complaint. Plaintiff was warned that failure to do so would result in a recommendation of dismissal of this action. (Doc. 16). Thereafter, plaintiff was granted an extension of time, until October 20, 2008, to submit the service copy. (Doc. 18). That deadline passed, and plaintiff did not submit the service copy or explain his inability to do so.

Accordingly, on November 6, 2008 the court entered an order requiring plaintiff to show cause within twenty days why his case should not be dismissed for failure to comply with an order of the court. (Doc. 19). A copy of the order was mailed to plaintiff at his address of record, Charlotte Correctional Institution. However, on November 17, 2008 the mail was returned as undeliverable marked "Inmate Transferred." (Doc. 20). Over thirty days has elapsed, and plaintiff has not filed a change of address form or otherwise notified the court of his new address.¹

¹The undersigned attempted to ascertain plaintiff's address by reviewing the Florida Department of Corrections' website. The website reveals that plaintiff is "Out of Dept. Custody by Court Order," but does not indicate plaintiff's current address. See www.dc.state.fl.us.

Additionally, plaintiff still has not provided the service copy required by the court's August 20, 2008 order.

Accordingly it is respectfully RECOMMENDED:

1. That this case be DISMISSED WITHOUT PREJUDICE for plaintiff's failure to comply with an order of the court and failure to keep the court informed of his current address.

2. That the clerk be directed to close the file.

At Pensacola, Florida this 19th day of December, 2008.

/s/ *Miles Davis*

MILES DAVIS
UNITED STATES MAGISTRATE JUDGE

NOTICE TO THE PARTIES

Any objections to these proposed findings and recommendations must be filed within ten days after being served a copy hereof. Any different deadline that may appear on the electronic docket is for the court's internal use only, and does not control. A copy of any objections shall be served upon any other parties. Failure to object may limit the scope of appellate review of factual findings. See 28 U.S.C. § 636; *United States v. Roberts*, 858 F.2d 698, 701 (11th Cir. 1988).