

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

Case No. 11-61334-CIV-COHN/WHITE

ROOSEVELT JOHNSON,

Plaintiff,

v.

JUSTIN LANUEZ, et al.,

Defendants.

_____/

**ORDER ADOPTING REPORT OF MAGISTRATE JUDGE,
GRANTING IN PART MOTION TO DISMISS, AND
DISMISSING CASE WITHOUT PREJUDICE FOR LACK OF PROSECUTION**

THIS CAUSE is before the Court upon the Report of Magistrate Judge [DE 20] (“Report”), submitted by United States Magistrate Judge Patrick A. White, regarding Plaintiff Roosevelt Johnson’s *pro se* Complaint Under the Civil Rights Act, 42 U.S.C. § 1983 [DE 1] (“Complaint”). The Court notes that Mr. Johnson has not filed any objections to the Report, and the time for filing such objections has passed. The Court also notes that on September 23, 2011, the copy of the Scheduling Order that was mailed to Mr. Johnson was returned to the Clerk of Court [DE 17] because Mr. Johnson was no longer in custody at the Broward County Jail. Despite Judge White’s Order [DE 18] directing Mr. Johnson to provide a current address by no later than October 26, 2011 “or risk dismissal of this case,” Mr. Johnson has not updated his address.

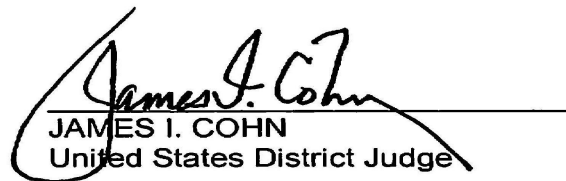
Even though no timely objections were filed, the Court has conducted a *de novo* review of the record herein, including the Complaint, Judge White’s Report, Defendant Lanuez’s Motion to Dismiss [DE 19], and is otherwise fully advised in the premises.

Judge White recommends granting in part Defendant Lanuez's Motion to Dismiss and dismissing this case without prejudice for lack of prosecution. This Court agrees. As Judge White wrote, "It appears that the plaintiff is no longer litigating this case, and he has failed to comply with the Court's Orders." Report at 2. Accordingly, it is hereby

ORDERED AND ADJUDGED as follows:

1. The Report of Magistrate Judge [DE 20] is **ADOPTED**;
2. Defendant Justin Lanuez's Motion to Dismiss [DE 19] is **GRANTED in part and DENIED in part**;
3. The Complaint [DE 1] is **DISMISSED without prejudice** for lack of prosecution;
4. Any pending motions are **DENIED as moot**, and the Clerk of Court is directed to **CLOSE** this case.

DONE AND ORDERED in Chambers at Fort Lauderdale, Broward County, Florida, this 20th day of December, 2011.


JAMES I. COHN
United States District Judge

Copies provided to:
Counsel of record via CM/ECF

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