

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
MACON DIVISION**

ROBERT GOLDMAN,	:	
	:	
Plaintiff,	:	
	:	NO. 5:10-CV-215 (MTT)
VS.	:	
	:	
ALEXIS E. L. CHASE, et al.,	:	
	:	Proceedings Under 42 U.S.C. §1983
	:	Before the U.S. Magistrate Judge
Defendant.	:	

RECOMMENDATION

On August 3, 2010, the court issued an order providing instructions to the parties in the above-styled action. Tab #10. Therein, the court notified the plaintiff of, *inter alia*, his duty to diligently prosecute his action. The plaintiff was also advised that, pursuant to Rule 41(b) of the Federal Rules of Civil Procedure, failing to do so could lead to the dismissal of his pleadings or of the case itself.

On October 4, 2010, the defendants filed a motion seeking dismissal. Tab #17. The following day, the court entered an order directing the plaintiff to respond to the defendants' motion on or before October 28, 2010. Tab #18. On October 14, 2010, this order was returned to the court. Tab #20. Because it was unclear why the order was returned, it was re-mailed to the plaintiff on October 15, 2010. On October 26, this order was also returned. This time, the envelope was marked "RETURN TO SENDER - NOT DELIVERABLE AS ADDRESSED - UNABLE TO FORWARD." Tab #21.

Diligent prosecution of a case includes keeping the court advised of a current valid mailing address. The plaintiff has failed to do so in this case, and it appears as a result that he has abandoned his claims. Accordingly, **IT IS RECOMMENDED** that the instant action be **DISMISSED** without prejudice.

Pursuant to 28 U.S.C. § 636(b)(1), the parties may serve and file written objections to this recommendation with the district judge to whom this case is assigned, WITHIN FOURTEEN (14) DAYS after being served with a copy thereof. Though it may prove to be an exercise in futility, the Clerk is directed to serve the plaintiff at the LAST ADDRESS provided by him.

SO RECOMMENDED, this 2nd day of November, 2010.

s/ Charles H. Weigle _____
CHARLES H. WEIGLE
UNITED STATES MAGISTRATE JUDGE