

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
VALDOSTA DIVISION

RECKO ELLIS,

Plaintiff,

VS.

Captain PEETE, Lt. ELKINS, Sgt. SWAIN,
and Sheriff ASHLEY PAULK,

Defendants.

:
:
:
:
:
:
:
:
:
:
:
:
:
:

CIVIL ACTION FILE
NO. 7:06-CV-128 (HL)

RECOMMENDATION

Plaintiff, a frequent filer,¹ currently has seven § 1983 actions pending in this court. All of the various Defendants named in these actions save one is or was an employee of the Lowndes County Jail. These Defendants are represented by the same defense counsel who has filed a motion to consolidate all of the cases into one.

In reviewing the electronic dockets in each of these cases it was determined that mail sent by the office of the Clerk of Court to the Plaintiff at his last known address, the Apalachee Correctional Institute in Sneads, Florida had been returned as the Plaintiff was no longer there. It was further noted that no action had been undertaken in any of the cases by the Plaintiff for approximately six months. In each of these cases Plaintiff had been advised by order of the Court that his failure to keep the court advised of his current whereabouts and failure to diligently prosecute his claim(s) could result in dismissal of his complaint.

After receiving direction from the United States District Judge to whom these cases are assigned, the undersigned on January 15, 2009, ordered the Plaintiff to show cause by Friday,

¹Eighteen § 1983 actions filed in this court between December 2006, and July 2007.

February 6, 2009, why these cases should not be dismissed . The show cause orders advised the plaintiff that a failure to respond would result in dismissal. The Plaintiff's copies of the orders to show cause, mailed to his last known address, have now been returned to the Clerk of Court. Plaintiff's whereabouts have now been unknown to the court for in excess of seven months and it is obvious that he will not receive the orders to show cause and respond thereto. Under these circumstances there is no reason to wait until after February 6, 2009, to enter a recommendation of dismissal.

For the reasons set out above it is the RECOMMENDATION of the undersigned that Plaintiff's complaint be DISMISSED. In the event this recommendation is adopted and made the order of this court it is the further RECOMMENDATION that the motion to consolidate be DENIED as MOOT. Pursuant to 28 U.S.C. § 636(b)(1), the parties may file written objections to this recommendation with the Honorable Hugh Lawson, United States District Judge, WITHIN TEN (10) DAYS of receipt thereof.

SO RECOMMENDED, this 30th day of January 2009.

/s/ Richard L. Hodge

RICHARD L. HODGE
UNITED STATES MAGISTRATE JUDGE