

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION**

**JOSEPH C. HOLMES,**

**Plaintiff,**

**v.**

**UNNAMED DEFENDANT,**

**Defendant.**

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**1:13-cv-1908-WSD**

**OPINION AND ORDER**

This matter is before the Court on Magistrate Judge Janet F. King’s Final Report and Recommendation [4] (“R&R”).

**I. BACKGROUND**

On June 5, 2013, Plaintiff Joseph C. Holmes (“Plaintiff”), then an inmate at the Maricopa County Jail in Phoenix, Arizona, filed a letter with the Court seeking to challenge an upcoming extradition to Georgia. On June 12, 2013, Magistrate Judge King ordered Plaintiff, within thirty (30) days, to either pay the Court’s standard \$350 filing fee or submit an *in forma pauperis* (“IFP”) application. Judge King also ordered Plaintiff to submit an amended complaint complying with the pleading requirements of Rule 8 of the Federal Rules of Civil Procedure. Judge King’s order was mailed to the Plaintiff’s address of record, but was returned

marked as “undeliverable.”

On August 2, 2013, Judge King issued her R&R recommending that this action be dismissed without prejudice pursuant to Local Rule 41.2(C) because Plaintiff failed to notify the Court of his current address, and as a result, the Court is unaware of “Plaintiff’s whereabouts.” Plaintiff has not filed objections to the R&R.

## **II. DISCUSSION**

### **A. Legal Standard**

After conducting a careful and complete review of the findings and recommendations, a district judge may accept, reject, or modify a magistrate judge’s report and recommendation. 28 U.S.C. § 636(b)(1) (Supp. V 2011); Williams v. Wainwright, 681 F.2d 732, 732 (11th Cir. 1982) (per curiam). A district judge “shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.” 28 U.S.C. § 636(b)(1). If no party has objected to the report and recommendation, a court conducts only a plain error review of the record. United States v. Slay, 714 F.2d 1093, 1095 (11th Cir. 1983) (per curiam).

B. Analysis

As the Judge King found in her R&R, the Court currently does not have any information about Plaintiff's address and does not have other contact information for him. Plaintiff's failure to provide the Court with accurate contact information has delayed and adversely affected the management of this case, including because these proceedings cannot continue without being able to communicate with Plaintiff. Local Rule 41.2(C) provides that

[t]he failure . . . of a party appearing *pro se* to keep the clerk's office informed of any change in address and/or telephone number which causes a delay or otherwise adversely affects the management of the case shall constitute grounds . . . for dismissal of the action without prejudice.


The Court does not find plain error in the Magistrate Judge's findings and recommendations in her R&R that this action be dismissed without prejudice.

**III. CONCLUSION**

Accordingly, for the foregoing reasons,

**IT IS HEREBY ORDERED** that Magistrate Judge Janet F. King's Final Report and Recommendation [4] is **ADOPTED**. This action is **DISMISSED WITHOUT PREJUDICE** pursuant to Local Rule 41.2(C).

**SO ORDERED** this 11th day of October, 2013.

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WILLIAM S. DUFFEY, JR.  
UNITED STATES DISTRICT JUDGE