

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

JEFFERY ALAN VAUGHN,

Plaintiff,

v.

SHERIFF BUTCH CONWAY, et al.,

Defendants.

1:16-cv-501-WSD

ORDER

This matter is before the Court on Magistrate Judge John K. Larkins III's Final Report and Recommendation [4] ("R&R"), recommending that this action be dismissed as frivolous.

On February 3, 2016, Plaintiff Jeffery Alan Vaughn ("Plaintiff"), a prisoner, proceeding *pro se*, filed his Complaint pursuant to 42 U.S.C. § 1983 [1] ("Complaint"). On February 25, 2016, the Magistrate Judge granted Plaintiff's request to proceed *in forma pauperis*, and cautioned him that this action may be dismissed if Plaintiff fails to keep the court advised of his address "at all times while this lawsuit is pending." ([3] at 2). On March 1, 2016, the Magistrate Judge screened Plaintiff's Complaint and issued his R&R, recommending that this action

be dismissed as frivolous.¹ Plaintiff did not file objections. Copies of the Magistrate Judge's R&R and February 25, 2016, Order, were mailed to Plaintiff's address of record but were returned as undeliverable, with a notation stating that Plaintiff was "released" from confinement on February 25, 2016. ([6]; [7]; [8]).

The Local Rules provide that a *pro se* party's failure to "keep the clerk's office informed of any change in address . . . which causes a delay or otherwise adversely affects the management of the case shall constitute grounds . . . for dismissal of the action without prejudice." LR 41.2(B), NDGa. The Magistrate Judge cautioned Plaintiff to keep the Court advised of his address "at all times while this lawsuit is pending." ([3] at 2). Plaintiff has not done so, in violation of both the Magistrate Judge's Order and the Local Rules. This prevented Plaintiff from receiving mailed copies of the Magistrate Judge's R&R and February 25, 2016, Order. Approximately seven months have passed since Plaintiff changed his address, and he still has not updated his address of record and he has not otherwise participated in this case since his address change. This action

¹ A federal court must screen "a complaint in a civil action in which a prisoner seeks redress from a governmental entity or officer or employee of a governmental entity." 28 U.S.C. § 1915A(a). The Court is required to dismiss the complaint if it is "frivolous, malicious, or fails to state a claim upon which relief may be granted." 28 U.S.C. § 1915A(b)(1). A claim is frivolous, and must be dismissed, where it "lacks an arguable basis either in law or in fact." Miller v. Donald, 541 F.3d 1091, 1100 (11th Cir. 2008).


is required to be dismissed.

For the foregoing reasons,

IT IS HEREBY ORDERED that Magistrate Judge John K. Larkins III's Final Report and Recommendation [4] is **MOOT**.

IT IS FURTHER ORDERED that this action is **DISMISSED WITHOUT PREJUDICE**.

SO ORDERED this 28th day of September, 2016.



WILLIAM S. DUFFEY, JR.
UNITED STATES DISTRICT JUDGE