

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS

HAYATA BOND,

Plaintiff,

vs.

JOHN LAKIN, *et al.*,

Defendants.

Case No. 15-cv-00579-SMY-PMF

**MEMORANDUM AND ORDER**

This matter comes before the Court on the Report and Recommendation (“Report”) (Doc. 23) of Magistrate Judge Philip M. Frazier recommending this Court grant Defendants’ Motion to Dismiss for Lack of Prosecution (Doc. 20). Objections to the Report were due from Plaintiff by May 2, 2016. However, the Report mailed from the Court to Plaintiff on April 18, 2016 was returned undeliverable. The Court then resent the Report on April 28, 2016 and withheld ruling on the Report and underlying motions until Plaintiff had ample time to receive and file objections. The mailed Report was again returned undeliverable.

The Court may accept, reject or modify, in whole or in part, the findings or recommendations of the magistrate judge in a report and recommendation. Fed. R. Civ. P. 72(b)(3). The Court must review *de novo* the portions of the report to which objections are made. The Court has discretion to conduct a new hearing and may consider the record before the magistrate judge anew or receive any further evidence deemed necessary. *Id.* “If no objection or only partial objection is made, the district court judge reviews those unobjected portions for clear error.” *Johnson v. Zema Sys. Corp.*, 170 F.3d 734, 739 (7th Cir. 1999).

Plaintiff has failed to uphold his duty to keep the Court apprised of changes to his address as required by Local Rule 3.1(b). Thus, the Court has been unable to successfully deliver necessary documents to Plaintiff and has received no objection to the Report. The Court has reviewed Plaintiff’s

Motions and case history and finds that the Report is not clearly erroneous. Plaintiff has simply ceased all participation in the prosecution of this case.

Accordingly, the Court **ADOPTS** the Report of Magistrate Judge Frazier (Doc. 23), **GRANTS** Defendants' Motion to Dismiss for Lack of Prosecution (Doc. 20), **DISMISSES** this case with prejudice and **DENIES as MOOT** Defendants' Motion to Dismiss for Failure to State a Claim (Doc. 18). Further, the Court **DIRECTS** the Clerk of Court to enter judgment accordingly and close this case.

**IT IS SO ORDERED.**

**DATED:** July 11, 2016

s/ Staci M. Yandle  
**STACI M. YANDLE**  
**DISTRICT JUDGE**