

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF LOUISIANA**

**ANDREW DAVID WETZEL**

**CIVIL ACTION**

**VERSUS**

**NO. 09-14**

**SLIDELL POLICE DEPARTMENT ET AL**

**SECTION "J" (3)**

**ORDER**

The Court, having considered the complaint, the record, the applicable law, the Report and Recommendation of the United States Magistrate Judge, and the failure of any party to file an objection to the Magistrate Judge's Partial Report and Recommendation,<sup>1</sup> hereby approves the Report and Recommendation of the United States Magistrate Judge and adopts it as its opinion in this matter. Therefore,

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<sup>1</sup> The Court acknowledges that the copy of the Magistrate Judge's Report and Recommendation mailed to Plaintiff was returned to the Court as undeliverable on April 14, 2009 (Rec. Doc. 28). Prior to that date, and after the St. Tammany Parish Prison informed the Court of Plaintiff's release from custody, the Magistrate Judge had issued an order on March 31, 2009 ordering Plaintiff to notify the Court in writing of his current address and telephone number, (Rec. Doc. 25). The March 31 order further indicated that Plaintiff's failure to comply would result in the dismissal of his complaint. However, the March 31 order was likewise returned to the Court as undeliverable (Rec. Doc. 26).

Nonetheless, the Court notes that Plaintiff filed an opposition to Defendants' motion to dismiss on March 9 (Rec. Doc. 19) and likewise has filed numerous motions and memoranda throughout the course of this suit. Thus, Plaintiff clearly had knowledge of the ongoing nature of his case. Further, and more importantly, the Court notes that Plaintiff's complaint includes the following signed declaration:

I understand that if I am released or transferred, it is my responsibility to keep the Court informed of my whereabouts and **failure to do so may result in this action being dismissed with prejudice.**

Rec. Doc. 1 at p.6. As such, despite the fact that Plaintiff apparently was not served with notice of the Report and Recommendation, and thus has not filed a timely objection, the Court adopts the Magistrate's Report and Recommendation of dismissal with prejudice of Plaintiff's claims.

**IT IS ORDERED** that the **Motion to Dismiss (Rec. Doc. No. 17)** filed by the defendants, Slidell Police Chief Freddie Drennan and Slidell Mayor Ben Morris, is **GRANTED** and the plaintiff Andrew David Wetzel's § 1983 claims against them are **DISMISSED WITH PREJUDICE** for failure to state a claim for which relief can be granted.

New Orleans, Louisiana, this 28th day of May, 2009.

  
UNITED STATES DISTRICT JUDGE