

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF LOUISIANA

DONNIE EARL DUKE (#591365)

CIVIL ACTION

VERSUS

JOHNNY SUMLIN, ET AL.

NO. 16-201-JWD-RLB

RULING

On or about March 29, 2016 the petitioner's Petition for Writ of Habeas Corpus was transferred to this Court. *See* R. Doc. 22. On July 19, 2018, the Magistrate Judge issued a Report and Recommendation recommending that the petitioner's application be denied as untimely. *See* R. Doc. 29.

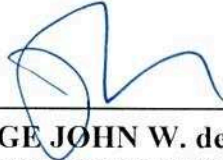
A review of the record reveals that the petition did not file an objection. Instead, a copy of the Report and Recommendation has been returned to the Court on July 30, 2018, as undeliverable, with a notations on the envelope of "RETURN TO SENDER," "REFUSED," and "UNABLE TO FORWARD." *See* R. Doc. 30.

Pursuant to Local Rule 41(b)(4) of the Court, the failure of a *pro se* litigant to keep the Court apprised of a change of address may constitute a cause for dismissal for failure to prosecute when a notice has been returned to a party or the Court for the reason of an incorrect address and no correction is made to the address for a period of thirty (30) days. As a practical matter, the case cannot proceed without an address where the plaintiff may be reached and where he may receive pertinent pleadings, notices or rulings. Accordingly,

**IT IS ORDERED** that the claims of the plaintiff be and are hereby dismissed, without prejudice, for failure of the plaintiff to prosecute this proceeding and for failure to keep the Court apprised of a current address.

**IT IS FURTHER ORDERED** that, on motion of the plaintiff, filed within thirty (30) days, and upon a showing of good cause the Court may consider reinstatement of the plaintiff's claims on the Court's Docket. Judgment shall be entered accordingly.

Signed in Baton Rouge, Louisiana, on September 12, 2018.



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**JUDGE JOHN W. deGRAVELLES  
UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF LOUISIANA**