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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
ALEXANDRIA DIVISION

JAMES PRESTON SMITH

CIVIL DOCKET NO. 1:09-cv-00034

-vs-

JUDGE DRELL

WARDEN MENEFEE, et al.

MAGISTRATE JUDGE KIRK

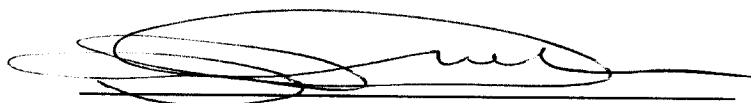
J U D G M E N T

There being no objection to the proposed findings of fact and conclusions of law in the Report and Recommendation of the magistrate judge previously filed herein, the Court concludes that the proposed findings and recommendation are correct under the applicable law.

Additionally, the Court notes the copy of the report and recommendation mailed August 14, 2009, to Mr. Smith's last known address was returned to the Clerk of Court on August 24, 2009, marked "return to sender, no longer at this address." Thirty days have passed since August 14, 2009, but no correction to Plaintiff's address has been received by the Court. Therefore, dismissal for failure to prosecute under Local Rule 41.3W of the Uniform District Court Rules is also appropriate. Accordingly,

IT IS ORDERED that Plaintiff's civil rights complaint is DISMISSED WITHOUT PREJUDICE.

SIGNED on this 2nd day of December, 2009, at Alexandria, Louisiana.



DEE D. DRELL
UNITED STATES DISTRICT JUDGE