Wallace v. Jones et al Doc. 13

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UNITED STATES DISTRICT COURT

WESTERN DISTRICT OF LOUISIANA

ALEXANDRIA DIVISION

EDDIE DEE WALLACE,

VERSUS

VICTOR JONES, et al.

CIVIL ACTION NO. 12-1997

JUDGE JAMES T. TRIMBLE, Jr.

MAGISTRATE JUDGE JAMES D. KIRK

JUDGMENT

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 February 5, 2013 to Mr. Wallace's last known address was returned to the Clerk of Court on February 08, 2013, marked "return to sender". More than thirty days have passed since February 08, 2013, but no correction to Plaintiff's address has been received by the Court. Therefore, dismissal for failure to prosecute under Local Rule 41.3W and Rule 41(b) of the Federal Rules of Civil Procedure is also appropriate. Accordingly,

IT IS ORDERED that Plaintiff's complaint be **DENIED AND DISMISSED** with prejudice as frivolous and failing to state a claim for which relief can be granted pursuant to 28 U.S.C. §1915(e)(2)(B) and 1915A.

The Clerk of Court is instructed to send a copy of this Judgment to the keeper of the three strikes list in Tyler, Texas.

SIGNED on this 12th day of April, 2013, at Alexandria, Louisiana.

JAMES T. TRIMBLE, Jr.
UNITED STATES DISTRICT COURT

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