

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
MONROE DIVISION

BRENDAN MATTHEW TERRAL	*	CIVIL ACTION NO. 15-2366 Section P
VERSUS	*	JUDGE ROBERT G. JAMES
WARDEN DUCOTE, ET AL.	*	MAG. JUDGE KAREN L. HAYES

RULING

This Section 1983 action was brought by Plaintiff, acting *pro se*, in September 2015. After an initial review, Magistrate Judge Karen L. Hayes directed that the Complaint and Amended Complaint be served on Defendants. Service was made, and the case has proceeded since that time.

On November 30, 2016, Defendants¹ filed a Motion for Summary Judgment [Doc. No. 68]. Following the filing of this motion, Plaintiff failed to update his address, and his lawsuit was dismissed on May 11, 2017, for failure to prosecute. Plaintiff then filed a motion to re-open, which was granted by the Court, and the Motion for Summary Judgment was re-set on Magistrate Judge Hayes' calendar. On June 20, 2017, Plaintiff filed a memorandum in opposition to the Motion for Summary Judgment. [Doc. No. 84]. On September 28, 2017, Magistrate Judge Hayes issued a Report and Recommendation [Doc. No. 88] recommending that Defendants' Motion for Summary Judgment be granted in part and denied in part.

On the same day, September 28, 2017, the Clerk of Court sent the Report and Recommendation to Plaintiff at the Caldwell Correctional Center in Grayson, Louisiana, Plaintiff's

¹The Court had previously granted a Motion to Dismiss three Defendants: Jackson Parish Correctional Center, Jackson Parish Sheriff's Department, and Jackson Parish. [Doc. No. 70].

last known place of confinement. The envelope containing the Report and Recommendation was returned to the Clerk of Court on October 10, 2017, with a notation:

“RELEASED OR TRANSFERRED
RETURN TO SENDER”

Local Rule 41.3W, in pertinent part, provides:

The failure of an attorney or pro se litigant to promptly notify the court in writing of an address change may be considered cause for dismissal for failure to prosecute when a notice is returned to the court for the reason of an incorrect address and no correction is made to the address for a period of 30 days.

In the present case, Magistrate Judge Hayes’ Report and Recommendation was returned to the Clerk of Court as undeliverable on October 10, 2017. As of this date, more than sixty days later, Plaintiff has failed to advise the Court of his new address. Accordingly, the Court finds that Plaintiff has failed to prosecute his case, and his lawsuit will be DISMISSED WITHOUT PREJUDICE pursuant to Rule 41(b) of the Federal Rules of Civil Procedure and Local Rule 41.3W for failure to prosecute.

MONROE, LOUISIANA, this 22nd day of December, 2017.


ROBERT G. JAMES
UNITED STATES DISTRICT JUDGE