

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF LOUISIANA  
MONROE DIVISION**

**DAVID P. CARRERE**

**CIVIL ACTION NO. 16-0591**

**VERSUS**

**JUDGE ROBERT G. JAMES**

**STEVE MAY, ET AL.**

**MAG. JUDGE KAREN L. HAYES**

**RULING**

Pending before the Court is remaining Defendant Teresa Corley's Motion for Summary Judgment [Doc. No. 16]. On May 11, 2017, Magistrate Judge Karen L. Hayes issued a Report and Recommendation [Doc. No. 25] in which she considered the motion as unopposed and recommended that the Court grant Defendant's motion and dismiss this case without prejudice for failure to exhaust administrative remedies.

On the same day the Report and Recommendation was filed, the Clerk of Court received Plaintiff's memorandum in opposition to the motion. In the interest of justice, on June 8, 2017, the Court remanded the Motion for Summary Judgment to Magistrate Judge Hayes for consideration of the opposition memorandum and for issuance of a supplemental Report and Recommendation.

On June 12, 2017, Magistrate Judge Hayes issued a Supplemental Report and Recommendation [Doc. No. 27] in which she recommended that the Court dismiss Plaintiff's claims without prejudice because the uncontroverted evidence shows that Plaintiff failed to fully exhaust his administrative remedies.

However, on June 15 and 16, 2017, the Clerk of Court received the copies of the Court's

June 8, 2017 Minute Entry and the Supplemental Report and Recommendation which had been mailed to Plaintiff. They were marked "Return to Sender" and indicated that Plaintiff is no longer located at his last known place of confinement.

Having reviewed the Supplemental Report and Recommendation and the record in this matter, the Court agrees with Magistrate Judge Hayes that the uncontroverted evidence shows that Plaintiff failed to fully exhaust his administrative remedies, and his claims should be dismissed without prejudice on this basis.

Additionally, under Local Rule 41.3W, the Court finds that Plaintiff's claims should be dismissed for failure to prosecute because courtesy copies were returned as undeliverable, and he has failed to correct his address within thirty days.

MONROE, LOUISIANA, this 1<sup>st</sup> day of August, 2017.

  
ROBERT G. JAMES  
UNITED STATES DISTRICT JUDGE