

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

TYSON MARSHEK,

Plaintiff,

v.

Case No. 07-14407

Hon. Anna Diggs Taylor

Magistrate Judge Paul J. Komives

MATTHEW MARSKE,

Defendant.

ORDER ACCEPTING MAGISTRATE'S REPORT AND RECOMMENDATION

This matter is before the court on Magistrate Judge Paul J. Komives' Report and Recommendation of December 18, 2008, sua sponte dismissing this case without prejudice for Plaintiff's failure to keep the court informed of his address and dismissing Defendant's Motion to Dismiss without prejudice [d/e-13].

The court has reviewed the file and the Magistrate Judge's Report and Recommendation. No objections have been filed. The court finds that the law cited by the Magistrate has been correctly placed and is controlling in this matter.

Therefore, the court will accept the Magistrate's Report and Recommendation of December 18, 2008 as the findings and conclusions of this court.

Accordingly,

IT IS HEREBY ORDERED that Magistrate Komives' Report and Recommendation of December 18, 2008 is ACCEPTED and ADOPTED.

IT IS FURTHER ORDERED that Plaintiff's Complaint is Dismissed without prejudice and Defendant's Motion to Dismiss is DENIED without prejudice.

IT IS SO ORDERED.

DATED: January 22, 2009

s/Anna Diggs Taylor

ANNA DIGGS TAYLOR

UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing Order was served upon counsel of record via the Court's ECF System to their respective email addresses or First Class U.S. mail disclosed on the Notice of Electronic Filing on January 22, 2009.

Tyson Marshek
Linn County Jail
P O Box 608
Cedar Rapids, IA 52406-0608

s/Johnetta M. Curry-Williams
Case Manager