

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

MATTHEW ALAN SMITH,

Plaintiff,

Case No. 1:14-CV-706

v.

HON. ROBERT HOLMES BELL

MIKAYLA J. MAUSER, ANDREW
H. GOERTZEL, and PGAPC, INC.,

Defendants.

**ORDER APPROVING AND ADOPTING
MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION**

On July 3, 2014, this Court entered an order denying Plaintiff's application for leave to proceed *in forma pauperis*, and requiring Plaintiff to submit the full filing fee of \$400.00 within 30 days. (ECF No. 4.) Copies of the order were mailed to Plaintiff at P.O. Box 350217, Westminster, CO, 80035, and at 12419 W. 2nd Place, Lakewood, CO 80228, the two addresses Plaintiff had provided the Court. Both copies of the order were returned to the Court, one with the notation "box closed, unable to forward, return to sender," and the other with the notation "return to sender, not deliverable as addressed, unable to forward." (ECF Nos. 5, 6.)

On August 20, 2014, Magistrate Judge Phillip J. Green issued a Report and Recommendation ("R&R") (ECF No. 9) recommending that this action be dismissed pursuant to Fed. R. Civ. P. 41(b) and W.D. Mich. LCivR 41.1 for want of prosecution and

failure to comply with the rules and orders of this Court. The R&R noted that Plaintiff had failed to pay the full filing fee as ordered by the Court and had failed to provide the Court with an updated address. The R&R advised that Plaintiff would have an opportunity to show cause why this matter should not be dismissed through the filing of timely objections to the R&R. The R&R was mailed to Plaintiff at the two addresses on file with the Court on August 21, 2014. (ECF No. 9.) The R&R that was mailed to 12419 W. 2nd Place, Lakewood, CO 80228 was returned to this Court on September 2, 2014, with the notation “return to sender, temporarily away, unable to forward.” (ECF No. 11.) However, the R&R that was mailed to P.O. Box 350217, Westminster, CO 80035 was not returned. On September 9, 2014, Plaintiff called the Clerk’s Office and verified that the P.O. Box address was correct. The Court concludes that Plaintiff was served with the R&R when it was mailed to his P.O. Box address on August 21, 2014.

To date, Plaintiff has not filed any objections to the R&R, and the deadline for doing so has expired. Plaintiff has also failed to pay the full filing fee. The Court has reviewed the matter and concludes that the R&R correctly analyzes the issues and makes a sound recommendation. Accordingly,

IT IS HEREBY ORDERED that the Magistrate Judge’s August 20, 2014, R&R (ECF No. 9) is **APPROVED** and **ADOPTED** as the opinion of the Court.

IT IS FURTHER ORDERED that Plaintiff’s complaint is **DISMISSED**.

IT IS FURTHER ORDERED that Plaintiff's recently filed motions for Marshal service, for leave to proceed in forma pauperis, for voluntary polygraph, and for joinder of parties (ECF Nos. 13-16), are **DENIED AS MOOT**.

Dated: September 29, 2014

/s/ Robert Holmes Bell
ROBERT HOLMES BELL
UNITED STATES DISTRICT JUDGE