

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Brud Rossman,

Case No. 16-cv-2875 (WMW/FLN)

Plaintiff,

v.

**ORDER ADOPTING AS MODIFIED
REPORT AND RECOMMENDATION**

Mark Gembicki, Chairman and Chief
Architect; John Doe-1; John Doe-2; and
John Doe-3,

Defendants.

This matter is before the Court on the October 31, 2016 Report and Recommendation of United States Magistrate Judge Janie S. Mayeron. (Dkt. 5.) No objections to the Report and Recommendation have been filed in the time period permitted.¹ Based on the Report and Recommendation and all the files, records and proceedings herein, **IT IS HEREBY ORDERED:**

1. The Report and Recommendation, (Dkt. 5), is **ADOPTED AS MODIFIED** as outlined herein.

¹ The Clerk of Court twice mailed the Report and Recommendation to Plaintiff's last known address, and both times the United States Postal Service returned the mailing and stamped the envelopes "not deliverable" or "attempted – not known" and "unable to forward." On November 9, 2016, the Clerk of Court also telephoned Plaintiff at the telephone number included with the complaint and left a voicemail requesting Plaintiff's updated contact information. The Court will no longer wait for Plaintiff to update his contact information. See *Passe v. City of New York*, No. CV 02-6494, 2009 WL 290464, at *4 (E.D.N.Y. Jan. 5, 2009) (explaining that it is a plaintiff's responsibility to provide updated contact information to ensure the timely receipt of case-related communications).

2. Plaintiff's complaint, (Dkt. 1), is **DISMISSED WITHOUT PREJUDICE** for failure to contain "a short and plain statement of the grounds for the court's jurisdiction." Fed. R. Civ. P. 8(a)(1). The Court declines to address the alternative bases for dismissal outlined in the Report and Recommendation.

3. Plaintiff's application to proceed in forma pauperis, (Dkt. 2), is **DENIED AS MOOT.**

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: January 24, 2017

s/Wilhelmina M. Wright
Wilhelmina M. Wright
United States District Judge