

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION**

PAUL LEONARD HALTHON

PLAINTIFF

VERSUS

CIVIL ACTION NO. 1:08CV47-HSO-JMR

1:08CV48-HSO-JMR

1:08CV49-HSO-JMR

KEN BROADUS, *et al.*

DEFENDANTS

**ORDER ADOPTING REPORT AND RECOMMENDATIONS AND
GRANTING DEFENDANTS' MOTION FOR SUMMARY JUDGMENT**

This cause comes before the Court on the Report and Recommendations [56] of Chief United States Magistrate Judge John M. Roper, entered in this cause on October 13, 2009. Magistrate Judge Roper reviewed Defendants' Motion for Summary Judgment [49] filed on May 1, 2009, and determined that the Motion for Summary Judgment should be granted, and that Plaintiff's three pending cases should be dismissed with prejudice. *See* Report and Recommendations, at pp. 5-6. A copy of the Report and Recommendations was sent to Plaintiff at his last known address by certified mail, return receipt requested, but the envelope was returned as undeliverable [57].

Plaintiff was warned in this Court's Orders [3], [8], [9], [12], that failure to advise the Court of a change of address would be deemed a purposeful delay and contumacious act by him and may result in his cases being dismissed *sua sponte*, without prejudice, without further written notice. After the Report and Recommendations was returned as undeliverable, the Court entered a Show Cause Order [58] on December 18, 2009, which directed Plaintiff to show cause on or

before January 20, 2010, why this case should not be dismissed for failure to comply with the Court's Orders. The Clerk of Court mailed a copy of the Show Cause Order to Plaintiff at his last known address, via United States Postal Service, certified mail, return receipt requested. However, the envelope containing the Show Cause Order was also returned as undeliverable [59].

Plaintiff has not filed a Response to Defendants' Motion, nor an objection to the Report and Recommendations. Plaintiff has further failed to comply with the Court's Orders. After review of the record, the Court, being fully advised in the premises, finds that said Report and Recommendations should be adopted as the opinion of this Court.

IT IS, THEREFORE, ORDERED AND ADJUDGED that, the Report and Recommendations [56] of Chief United States Magistrate Judge John M. Roper, entered in this cause on October 13, 2009, should be, and the same hereby is, adopted as the finding of this Court.

IT IS, FURTHER, ORDERED AND ADJUDGED that, Defendants' Motion for Summary Judgment [49] filed on May 1, 2009, should be and hereby is **GRANTED**, and the claims against Defendants are hereby **DISMISSED WITH PREJUDICE**. A separate judgment will be entered herein in accordance with this Order, as required by Rule 58 of the Federal Rules of Civil Procedure.

SO ORDERED AND ADJUDGED, this the 26th day of January, 2010.

Halil Suleyman Ozerdan
HALIL SULEYMAN OZERDEN
UNITED STATES DISTRICT JUDGE