

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

QUENCY R. QUINN

PLAINTIFF

v.

CIVIL ACTION NO. 2:24-cv-78-TBM-RPM

OFFICER JOSHUA HUHN

DEFENDANT

ORDER ADOPTING REPORT AND RECOMMENDATION

This matter is before the Court on the submission of the Report and Recommendation [13] entered by United States Magistrate Judge Robert P. Myers on October 24, 2024. Judge Myers recommends dismissing Plaintiff Quency R. Quinn’s claims without prejudice for failure to prosecute. Quinn has not filed an objection to the Report and Recommendation, and the time for filing an objection has expired.

“[E]very litigant proceeding without legal counsel has a continuing obligation to notify the clerk of court of address changes.” L. U. CIV. R. 11(a). A copy of the Report and Recommendation [13] was mailed to Quinn at his address listed on the docket on October 24, 2024. But that mail was returned as Undeliverable on November 18, 2024, and marked as “Return to Sender, Vacant, Unable to Forward.” [14]. Although the docket reflects that Quinn’s current address is the South Mississippi Correctional Institution in Leakesville, Mississippi, the Court learned during this litigation that Quinn was paroled and is currently living in Walthall County, Mississippi. But Quinn, who last contacted the Court about his case on June 14, 2024, has failed to notify the Court of a change of address. To be sure, the complaint Quinn filed—which is the standard form for prisoners asserting civil rights violations—contains a declaration stating: “I agree to provide the Clerk’s Office with any changes to my address where case-related papers may be served. I

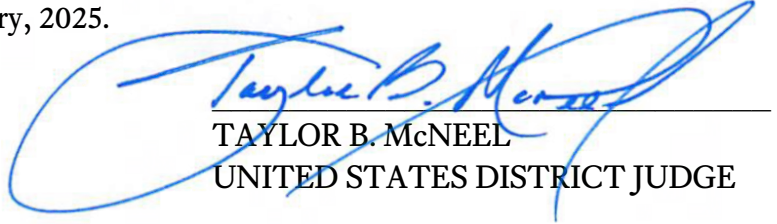
understand that may failure to keep a current address on file with the Clerk Office may result in the dismissal of my case.” [1], pg. 13. The Court recognizes that Quinn’s nonreceipt of the Report and Recommendation may have resulted in his failure to object to it. But it was Quinn’s responsibility to keep this Court aware of his address for the purpose of receiving filings. And Quinn was warned that his failure to update his address could result in the dismissal of his case. [1], pg. 13; [3], pg. 1; [7], pg. 2; [8], pg. 2; [11], pg. 2. Thus, the Court proceeds on the basis that no timely objection was filed. *See Dasek v. E. Texas Treatment Facility*, No. 6:23-cv-00495, 2024 WL 624057, at *1 (E.D. Tex. Feb. 14, 2024) (adopting report and recommendation for failure to prosecute where no timely objection was filed after a former inmate violated a local rule requiring a plaintiff to keep the court informed of his current mailing address).

“When no timely objection is filed, the court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” FED. R. CIV. P. 72(b) advisory committee’s note to 1983 addition (citations omitted); *see Casas v. Aduddell*, 404 F. App’x 879, 881 (5th Cir. 2010) (“When a party fails timely to file written objections to the magistrate judge’s proposed findings, conclusions, and recommendation, that party is barred from attacking on appeal the unobjected-to proposed findings and conclusions which the district court accepted, except for plain error”) (citing *Douglass v. United Serv. Auto Ass’n*, 79 F.3d 1415, 1428-29 (5th Cir. 1996) (en banc); 28 U.S.C. § 636(b)(1)). Having considered Judge Myers’ Report and Recommendation, the Court finds that it is neither clearly erroneous nor contrary to law.

IT IS THEREFORE ORDERED AND ADJUDGED that the Report and Recommendation [13] entered by United States Magistrate Judge Robert P. Myers on October 24, 2024, is ADOPTED as the opinion of the Court.

IT IS FURTHER ORDERED AND ADJUDGED that the claims asserted in Quency R. Quinn's Complaint [1] are DISMISSED WITHOUT PREJUDICE for failure to prosecute.

THIS, the 27th day of January, 2025.



TAYLOR B. McNEEL
UNITED STATES DISTRICT JUDGE