

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

DERRICK SCOTT

PETITIONER

#26724-044

CIVIL ACTION No. 3:16-CV-388-HTW-LRA

vs.

WARDEN UNKNOWN MARTIN

DEFENDANT

**ORDER ADOPTING REPORT AND RECOMMENDATION
OF MAGISTRATE JUDGE**

BEFORE THIS COURT is the Report and Recommendation of the United States Magistrate Judge Linda R. Anderson [**doc. no. 28**]. Petitioner filed the instant habeas corpus petition under Title 28 U.S.C. §2241. Petitioner was released from the custody of the Federal Bureau of Prisons on June 18, 2018, and has not provided this court with a current address. Given his failure to demonstrate a continuing injury since his release and his failure to maintain a current address with the clerk of court, the Magistrate Judge recommended that Scott's Petition be dismissed without prejudice. The Magistrate Judge also recommended that if petitioner filed a timely objection to the Report and Recommendation demonstrating that his claims were not moot, that he should be allowed to proceed on his claims.

Petitioner has not filed an objection to the Magistrate's Report and Recommendation. The mail sent to petitioner containing his copy of the Report and Recommendation was returned as "Refused."

This Court has reviewed the Report and Recommendation of the Magistrate Judge, as well as the court filings and the relevant law, and concludes that the findings in the Report and Recommendation [**doc. no. 28**] should be and are hereby **adopted** as this Court's own.

Accordingly, this court **dismisses** this case **without prejudice** and orders that the parties are to bear their own costs.

A Final Judgment shall be entered this date in accordance with Rule 58 of the Federal Rules of Civil Procedure.

SO ORDERED AND ADJUDGED, this the 2nd day of July, 2019.

s/ HENRY T. WINGATE
UNITED STATES DISTRICT COURT JUDGE

Order Adopting Report and Recommendation
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