

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF MISSISSIPPI  
NORTHERN DIVISION

BRANDON FIELDS

PETITIONER

v.

CIVIL ACTION NO. 3:17-CV-384-DPJ-RHW

PELICIA HALL

RESPONDENT

ORDER

This § 2254 action is before the Court on Respondent's Motion to Dismiss [15] and the Report and Recommendation ("R&R") [17] of United States Magistrate Judge Robert H. Walker. Petitioner Brandon Fields never responded to the Motion to Dismiss [15], but Judge Walker found that it should be granted because Fields failed to exhaust his state-court remedies. *See* R&R [17] at 3 n. 1 ("The petition bears this out, and Mississippi Supreme Court records confirm that Fields has not given the state's highest court an opportunity to review his claims.").

The Court mailed Fields a copy of the R&R, but on January 17, 2018, it was returned as undeliverable. *See* Mail Returned Notice [18]. Fields was notified in Judge Walker's earlier order that "his failure to keep this Court informed of his current address will result in the dismissal of this case." *See* June 7, 2017 Order [7] at 2. While Fields's failure to notify the Court of his change in address would justify dismissal, the Court nonetheless considered the merits of Respondent's motion and finds that Fields's Petition should be dismissed for the reasons Judge Walker stated in the R&R.

For the foregoing reasons, the R&R [17] is adopted as the opinion of the Court. Respondent's Motion to Dismiss [15] is granted, and this case is dismissed without prejudice. A separate judgment will be entered in accordance with Federal Rule of Civil Procedure 58.

**SO ORDERED AND ADJUDGED** this the 20th day of February, 2018.

*s/ Daniel P. Jordan III*  
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CHIEF UNITED STATES DISTRICT JUDGE