

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

| | | |
|--------------------------|---|-------------|
| TRACY ALLEN |) | |
| |) | |
| Petitioner, |) | |
| |) | |
| v. |) | 1:24-cv-597 |
| |) | |
| STATE OF NORTH CAROLINA, |) | |
| |) | |
| Respondent. |) | |

ORDER

On August 7, 2024, the United States Magistrate Judge’s Order and Recommendation was filed and notice was served on the parties pursuant to 28 U.S.C. § 636. (Docs. 3, 4, 6.) No objections were filed within the time limits prescribed by Section 636.


The record reflects that the Recommendation was served by mail to Plaintiff’s last known address at Danville City Jail, P.O. Box 3304, Danville, Virginia, but returned as undeliverable and marked “Return to Sender, Inmate sent to VA Department of Correction, UTF.” (See Doc. 7.) This court has no obligation to locate Plaintiff to provide actual notice; instead, it is the duty of a litigant to keep this court informed of a current address. LR 11.1(b). Because Plaintiff has not provided the court with an address within 63 days of the date of the last

return of mail, the court finds the case should be dismissed without prejudice for failure to prosecute. See LR 11.1(b).

IT IS THEREFORE ORDERED that the Petition, (Doc. 1), is **DISMISSED WITHOUT PREJUDICE** pursuant to Local Rule 11.1(b) for failure to prosecute.

A Judgment dismissing this action will be filed contemporaneously herewith.

This the 27th day of January, 2025.


United States District Judge