

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO**

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| ADEDAYO BENSON, |) | CASE NO. 4:08CV469 |
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| PLAINTIFF, |) | JUDGE PETER C. ECONOMUS |
| |) | |
| V. |) | |
| |) | |
| CORRECTIONS CORPORATION |) | |
| OF AMERICA, |) | MEMORANDUM OPINION |
| |) | AND ORDER |
| DEFENDANT. |) | |
| |) | |

On June 10, 2008, this Court issued an order assigning this case to Magistrate Judge James S. Gallas for general pre-trial supervision. (Dkt. # 6). On July 14, 2009, the Magistrate issued a Report and Recommendation that the Court GRANT Defendant's motion for summary judgment and DISMISS Plaintiff's Complaint WITH PREJUDICE. (Dkt. # 21).

FED. R. CIV.P. 72(b) provides that objections to a report and recommendation must be filed within ten (10) days after service, but Plaintiff has failed to timely file any such objections. Therefore, the Court must assume that Plaintiff is satisfied with the Magistrate Judge's recommendation. Any further review by this Court would be a duplicative and an inefficient use of the Court's limited resources. Thomas v. Arn, 728 F.2d 813 (6th Cir. 1984), aff'd, 474 U.S. 140 (1985); Howard v. Secretary of Health and Human Services, 932 F.2d 505 (6th Cir. 1991); United States v. Walters, 638 F.2d 947 (6th Cir.1981).

The Court notes that the docket in this matter indicates that Plaintiff may not have received a copy of the Magistrate Judge's Report and Recommendation. The copy mailed to Plaintiff at the Northeast Ohio Correctional Center was returned marked "Inmate Paroled/Discharged." (Dkt. # 22). An additional copy was mailed to Petitioner c/o Bureau of Immigration and Customs Enforcement in Cleveland, Ohio, and was not returned. The possibility that Plaintiff did not receive a copy of the Report and Recommendation does not preclude the Court from adopting it and dismissing Plaintiff's Complaint. The Sixth Circuit has explained that a prisoner plaintiff has "an affirmative duty to supply the court with notice of any and all changes in his address," and that a failure to do so will not excuse the prisoner from procedural requirements based upon a claimed lack of service. Holman v. Haskell, 9 F.3d 107, (6th Cir. 1993); see also Lewis v. Hardy, 2007 WL 2809969, *4 (5th Cir. 2007) ("Petitioner has a duty to keep the court apprised of [his] address changes. Therefore, he is solely responsible for not receiving [the Magistrate's Report and Recommendation].").

Therefore, the Report and Recommendation of Magistrate Judge Gallas (Dkt. # 21) is hereby **ADOPTED**, and Plaintiff's Complaint is **DISMISSED with PREJUDICE**.

IT IS SO ORDERED.

/s/ Peter C. Economus - August 6, 2009
PETER C. ECONOMUS
UNITED STATES DISTRICT JUDGE