

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

Robert Readnower,

Plaintiff,

v.

Case No. 1:12cv357

Michael J. Astrue,
Commissioner of Social Security,

Judge Michael R. Barrett

Defendant.

ORDER

This matter is before the Court on the Report and Recommendation (“R&R”) filed by the Magistrate Judge on January 3, 2013 (Doc. 10). The R&R recommends dismissing Plaintiff’s Complaint for lack of prosecution. Plaintiff has failed to file a timely Statement of Errors and has not responded to an Order to show cause.

Proper notice has been given to the parties under 28 U.S.C. § 636(b)(1)(C), including notice that the parties would waive further appeal if they failed to file objections to the R&R in a timely manner. *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981). The Court notes, however, that though such notice was served upon Plaintiff, it was returned to the Court due to Plaintiff’s failure to apprise the Court of his change of address. By failing to keep the Court apprised of his current address, the Plaintiff further demonstrates a lack of prosecution of his action. *See, e.g., Theede v. United States Department of Labor*, 172 F.3d 1262, 1265 (10th Cir. 1999) (failure to object to R&R due to delay resulting from party’s failure to bring to the court’s attention a change in address constitutes failure to object in a timely manner; because the R&R was mailed to the last known address, it was properly served, and party waived right to appellate review); *Jourdan v. Jabe*, 951 F.2d 108, 109 (6th Cir. 1991)(*pro se* litigant has affirmative duty to diligently pursue the prosecution of his cause of action); *Barber v. Runyon*, No. 93-6318, 1994

WL 163765, at *1 (6th Cir. May 2, 1994) (*pro se* litigant has a duty to supply the court with notice of any and all changes in his address). As such, no objections to the Magistrate Judge's Report and Recommendation (Doc. 10) have been filed.

Accordingly, it is **ORDERED** that the Report and Recommendation (Doc. 10) of the Magistrate Judge is hereby **ADOPTED**. Plaintiff's Complaint (Doc. 3) is **DISMISSED** for lack of prosecution and this matter is terminated from the Docket of this Court.

IT IS SO ORDERED.

/s/ Michael R. Barrett

Michael R. Barrett
United States District Judge