

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

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| ANDRE SMILEY, | : | Case No. 1:15-mc-2 |
| | : | |
| Plaintiff, | : | Judge Timothy S. Black |
| | : | Magistrate Judge Stephanie K. Bowman |
| vs. | : | |
| | : | |
| TPA. PATALK, | : | |
| | : | |
| Defendant. | : | |

**DECISION AND ENTRY
ADOPTING THE REPORT AND RECOMMENDATIONS
OF THE UNITED STATES MAGISTRATE JUDGE (Doc. 3)**

This case is before the Court pursuant to the Order of General Reference in the United States District Court for the Southern District of Ohio Western Division to United States Magistrate Judge Stephanie K. Bowman. Pursuant to such reference, the Magistrate Judge reviewed the pleadings filed with this Court, and, on February 13, 2015, submitted a Report and Recommendations. (Doc. 3). Plaintiff did not file objections.¹

¹ The Court notes that although proper notice was served upon Plaintiff, the copy of the Report and Recommendations which the Clerk mailed to Plaintiff was returned to the Court due to Plaintiff's failure to apprise the Court of his change of address. (Doc. 8). By failing to keep the Court apprised of his current address, Plaintiff demonstrates a lack of prosecution of his action. *See, e.g., Theede v. United States Dep't of Labor*, 172 F.3d 1262, 1265 (10th Cir.1999) (failure to object to a Magistrate Judge's recommendation, due to delay resulting from a party's failure to bring to the court's attention a change in address, constitutes failure to object in a timely manner. Because the recommendation was mailed to the last known address, it was properly served, and the party waived his right to appellate review). *See also Barber v. Runyon*, 23 F.3d 406 (6th Cir. 1994). On March 9, 2015, Plaintiff received a copy of the Report and Recommendations in the Clerk's office and confirmed his apartment number, which the Clerk added to the docket. Plaintiff did not move for additional time in which to file objections.

Since the issuance of the Report and Recommendations on February 13, 2015, Plaintiff filed three motions for leave to file a new complaint, three motions to "ect," and a notice in the instant case. (Docs. 4- 7, 9-11). The Court cannot construe these filings as objections, as they are not responsive to the Report and Recommendations and are largely unintelligible. Furthermore, Plaintiff's motions are moot, given

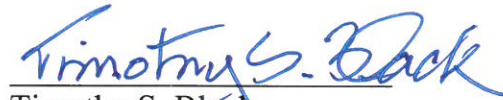
As required by 29 U.S.C. § 636(b) and Fed. R. Civ. P. 72(b), the Court has reviewed the comprehensive findings of the Magistrate Judge and considered *de novo* all of the filings in this matter. Upon consideration of the foregoing, the Court does determine that such Report and Recommendations should be and is hereby adopted in its entirety.

Accordingly, for the foregoing reasons:

1. Plaintiff's motion for leave to proceed *in forma pauperis* (Doc. 1) is **DENIED**;
2. This miscellaneous case is hereby **DISMISSED** and **CLOSED**; and
3. The Clerk shall refuse to accept any new filings from Mr. Smiley other than a motion for leave to file a new complaint, with any *in forma pauperis* motion, new complaint, or other documents to be filed only as exhibits.

IT IS SO ORDERED.

Date: 3/16/15


Timothy S. Black
United States District Judge

that the instant Order dismisses and closes this case. For these reasons, Plaintiff's motions (and notice, to the extent that it seeks action from the Court) (Docs. 4- 7, 9-11) are **DENIED as MOOT**.