UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

Abdoulaye-Konate,

Petitioner,

v. Case No. 1:16cv934

DHS/ICE, Judge Michael R. Barrett

Respondent.

ORDER

This matter is before the Court on the Report and Recommendation filed by the Magistrate Judge on November 29, 2016 (Doc. 6).

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 Report and Recommendation 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 Petitioner, it was returned to the Court due to Petitioner's failure to apprise the Court of his change of address. (Doc. 7). By failing to keep the Court apprised of his current address, Petitioner 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 a Magistrate Judge's Report and Recommendation 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 Recommendation was mailed to the last known address, it was properly served, and party waived right to appellate review). *See* also *Jourdan v. Jabe,* 951 F.2d 108, 109 (6th Cir. 1991)(A *pro se*

litigant has an 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) (A *pro se* litigant has a duty to supply the court with notice of any and all changes in his address). No objections to the Magistrate Judge's Report and Recommendation (Doc. 6) have been filed.

Accordingly, it is **ORDERED** that the Report and Recommendation (Doc. 6) of the Magistrate Judge is hereby **ADOPTED.** As Petitioner has failed to respond to the Magistrate Judge Order of October 7, 2016 (Doc. 2) and this Report and Recommendation (Doc. 6); this matter is **DISMISSED** not only for lack of prosecution but for lack of jurisdiction as well.

IT IS SO ORDERED.

s/*Michael R. Barrett*
Michael R. Barrett
United States District Judge