

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

WILLIAM S. HAYWARD,

Plaintiff,

v.

**Civil Action 2:16-cv-1107
Judge Algenon L. Marbley
Magistrate Judge Elizabeth P. Deavers**

**FRANKLIN COUNTY JAIL
MEDICAL DEPARTMENT,**

Defendant.

ORDER

This matter is before the Court for consideration of the April 11, 2017 Report and Recommendation of the United States Magistrate Judge. The Magistrate Judge recommended that the Court dismiss Plaintiff's action pursuant to Federal Rule of Civil Procedure 41(b) for failure to prosecute.

The Report and Recommendation specifically advises parties that the failure to object to within fourteen days results in a "waiver of the right to *de novo* review . . . by the District Judge and waiver of the right to appeal the judgment of the District Court." (Report and Recommendation 2, ECF No. 5.) The time period for filing objections to the Report and Recommendation has expired. The Plaintiff has not objected to the Report and Recommendation.

The Court has reviewed the Report and Recommendation of the Magistrate Judge. Noting that no objections have been filed and that the time for filing such objections has expired, the Court **ADOPTS** the Magistrate Judge's August 17, 2012 Report and Recommendation, **and DISMISSES** this case pursuant to Federal Rule of Civil Procedure 41(b) for failure to prosecute.

Here, the record indicates that the Report and Recommendation was returned in the mail as undeliverable. Nevertheless, the Court notes that Plaintiff had an affirmative duty to notify the Court of any change in address and failed to do so. *See Barber v. Runyon*, No. 93-6318, 1994 WL 163765, at *1 (6th Cir. May 2, 1994) (“If [pro se Plaintiff’s] address changed, she had an affirmative duty to supply the court with notice of any and all changes in her address . . .”); *see also Jourdan v. Jabe*, 951 F.2d 108, 109 (6th Cir. 1991) (“[W]hile pro se litigants may be entitled to some latitude when dealing with sophisticated legal issues . . . there is no cause for extending this margin to straightforward procedural requirements that a layperson can comprehend.”); *Walker v. Cognis Oleo Chem., LLC*, No. 1:07cv289, 2010 WL 717275, at *1 (S.D. Ohio Feb. 26, 2010). Thus, Plaintiff has no justification for his failure to object on the basis that the Report and Recommendation was returned as undeliverable.

IT IS SO ORDERED.

s/Algenon L. Marbley
ALGENON L. MARBLEY
UNITED STATES DISTRICT COURT

DATED: September 11, 2017