

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

ROSHUN LARON COLUM,)	
)	
Plaintiff,)	
vs.)	Case No. CIV-12-0561-HE
)	
BILL WINCHESTER,)	
)	
Defendant.)	

ORDER

Plaintiff Roshun Colum, a state prisoner appearing *pro se* and *in forma pauperis*, filed this civil rights action under 42 U.S.C. § 1983 against defendant Bill Winchester, Garfield County Sheriff, and the Garfield County Detention Facility. Presently before the court is defendant Bill Winchester’s Motion to Dismiss pursuant to Fed. R. Civ. P. 12(b)(6) [Doc. # 22]. Consistent with 28 U.S.C. § 636(b)(1)(B), this matter was referred for initial proceedings to Magistrate Judge Gary M. Purcell. Judge Purcell has recommended that the motion be granted and that plaintiff’s action be dismissed without prejudice. Objections to the magistrate judge’s report and recommendation were due by November 26, 2012.

Plaintiff, having failed to object to the report and recommendation,¹ has waived his right to review of the factual and legal issues it addressed. United States v. 2121 E. 30th St., 73 F.3d 1057, 1059 (10th Cir. 1996); *see also* 28 U.S.C. § 636(b)(1)(C) (“A judge of the court shall make a de novo determination of those portions of the report or specified


¹*It may be that plaintiff did not receive notice of the Report and Recommendation due to his having been transferred or otherwise released from the Garfield County facility. However, plaintiff has not complied with the local rules of court requiring him to maintain a current address with the clerk. L.Cv.R. 5.4(a).*

proposed findings or recommendations *to which objection is made.*" (emphasis added)). Accordingly, the court **ADOPTS** Magistrate Judge Purcell's Supplemental Report and Recommendation [Doc. #29] and **GRANTS** defendant Bill Winchester's motion to dismiss the claims against him in his individual and official capacities [Doc. #22]. This case is **DISMISSED without PREJUDICE.**²

The clerk of court is directed to mail a copy of this order both to the address listed on the court's appearance docket and to any current address indicated by the records of the Oklahoma Department of Corrections.

IT IS SO ORDERED.

Dated this 5th day of December, 2012.



JOE HEATON
UNITED STATES DISTRICT JUDGE

²*Plaintiff also named Garfield County Detention Facility as a defendant, but plaintiff has not attempted service on that defendant.*