

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

|                     |   |                    |
|---------------------|---|--------------------|
| JAMES C. BROWN, II, | ) |                    |
|                     | ) |                    |
| Plaintiff,          | ) |                    |
| vs.                 | ) | NO. CIV-15-1263-HE |
|                     | ) |                    |
| KEN BROWN, et al.,  | ) |                    |
|                     | ) |                    |
| Defendants.         | ) |                    |

**ORDER**

Plaintiff, a prisoner appearing *pro se*, filed this case pursuant to 42 U.S.C. § 1983 asserting violation of his constitutional rights. Consistent with 28 U.S.C. § 636(b)(1)(B), the case was referred to Magistrate Judge Shon T. Erwin for initial proceedings . On March 28, 2016, Judge Erwin issued an order directing, among other things, that plaintiff deliver to the clerk for processing, within 20 days, the papers necessary to effect service of process. Judge Erwin has since submitted a Report and Recommendation [Doc. #8] indicating that plaintiff has not complied with the prior order or otherwise responded to it in any way. On that basis, Judge Erwin recommends that this case be dismissed without prejudice. Plaintiff has not responded to the Report and Recommendation.<sup>1</sup>

By failing to object to the Report and Recommendation, plaintiff has waived his right to review of the factual and legal issues addressed by it. United States v. One Parcel of Real Property, 73 F.3d 1057, 1059-60 (10th Cir. 1996). The Report and Recommendation [Doc.

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<sup>1</sup>*The mailing of the Report and Recommendation to plaintiff was returned as undeliverable, noting that plaintiff is no longer in custody. It may well be that plaintiff's non-custodial status renders his claims, at least in part, moot. In any event, plaintiff has not complied with L.Cv.R. 5.4(a), requiring that a party keep the clerk advised of a current address.*

#8] is therefore adopted. Pursuant to that recommendation, and as plaintiff has otherwise failed to pursue service, this case is **DISMISSED** without prejudice.

**IT IS SO ORDERED.**

Dated this 2nd day of June, 2016.

  
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JOE HEATON  
CHIEF U.S. DISTRICT JUDGE