

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

RUDY PHIL JAQUEZ, )  
 )  
 Plaintiff, )  
 )  
 vs. ) No. CIV-16-147-W  
 )  
 JOHN WHETSEL, )  
 )  
 Defendant. )

**ORDER**

On May 19, 2016, United States Magistrate Judge Charles B. Goodwin issued a Report and Recommendation in this matter and recommended that the Court dismiss this action without prejudice to refiling. Although plaintiff Rudy Phil Jaquez was advised of his right to object, see Doc. 12 at 4, and of the consequences of his failure to do so, see id., no objections to the Report and Recommendation have been filed within the allotted time.

Upon review of the record, the Court concurs with Magistrate Judge Goodwin's suggested disposition of this lawsuit. Jaquez was ordered to cure certain deficiencies in his complaint [Docs. 1, 5] and in his Application for Leave to Proceed in Forma Pauperis [Doc. 6]. Jaquez did not comply with Magistrate Judge Goodwin's directives, and in light of Jaquez's inaction and noncompliance,<sup>1</sup> the Court finds dismissal, as recommended, is warranted.

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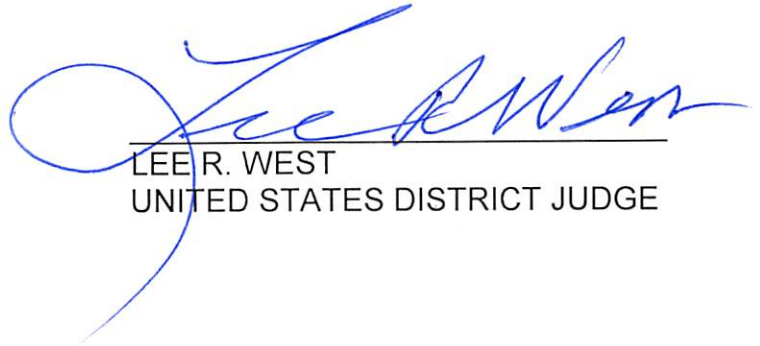
<sup>1</sup>Pursuant to Rule 5.4, Rules of the United States District Court for the Western District of Oklahoma, the Clerk of the Court mailed a copy of Magistrate Judge Goodwin's Order [Doc. 10] and a copy of the Report and Recommendation [Doc. 12] to the address supplied by Jaquez when he filed his complaint. See Doc. 1-1 at 1. Those documents were returned to the Clerk by the United States Postal Service with the following notations on the envelopes: "Return to Sender" and "Gone 3-17-16." See Doc. 11 at 16; Doc. 13 at 5. Rule 5.4(a), supra, requires pro se litigants to provide the Court with a mailing address and to file with the Clerk notice of any change of address. Jaquez has not complied with this rule.

Accordingly, the Court

(1) ADOPTS the Report and Recommendation [Doc. 12] filed on May 19, 2016; and

(2) DISMISSES this matter without prejudice.

ENTERED this 15<sup>th</sup> day of June, 2016.



LEE R. WEST  
UNITED STATES DISTRICT JUDGE