

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

VERNON L. BROWN, )  
Plaintiff, ) Civil Action No. 16-1824  
v. )  
Judge Cathy Bissoon  
MATRIX PROPERTY MANAGEMENT )  
COMPANY ) Magistrate Judge Maureen P. Kelly  
Defendants. )

## **MEMORANDUM ORDER**

This case has been referred to United States Magistrate Judge Maureen P. Kelly for pretrial proceedings in accordance with the Magistrates Act, 28 U.S.C. §§ 636 and Local Rule of Civil Procedure 72.

On August 7, 2017, the Magistrate Judge issued a Report (Doc. 43) recommending that Defendant's Motion to Dismiss be granted, and Plaintiff's Complaint be dismissed without prejudice. The Report and Recommendation was served on the parties,<sup>1</sup> and no objections have been filed.

<sup>1</sup> On August 7, 2017, a copy of the Report and Recommendation was sent to Plaintiff at his address of record via First Class U.S. Mail. On August 22, 2017, that correspondence was returned to the Court with the message “Return to Sender, Not Deliverable as Addressed, Unable to Forward.” (Doc. 44). It is Plaintiff’s obligation, not the Court’s, to ensure that his true and accurate mailing address is identified in the record. See Carey v. King, 856 F.2d 1439, 1441 (9th Cir. 1988) (“[a] party, not the district court, bears the burden of keeping the court apprised of . . . [his] mailing address”); Orix Fin. Servs., Inc. v. Thunder Ridge Energy, Inc., 579 F.Supp.2d 498, 510 (S.D.N.Y. 2008) (“[e]ach party has an obligation to leave a forwarding address or otherwise stay in contact with the [c]ourt to ensure that he receives and responds to any [c]ourt order”) (citation to quoted source omitted).

After a review of the pleadings and documents in the case, together with the Report and Recommendation, the following Order is entered:

Defendant's Motion to Dismiss (Doc. 34) is **GRANTED**. Plaintiff's Complaint is hereby **DISMISSED** without prejudice to Plaintiff filing an Amended Complaint that establishes jurisdiction by alleging a violation of an applicable provision of federal law. Plaintiff may file an Amended Complaint on or before September 27, 2017. **If Plaintiff does not file an Amended Complaint on or before September 27, 2017, this case will be dismissed with prejudice.**

The Magistrate Judge's Report and Recommendation hereby is adopted as the Opinion of the District Court.

IT IS SO ORDERED.

September 6, 2017

s/Cathy Bissoon  
Cathy Bissoon  
United States District Judge

cc (via ECF email notification):

All counsel of record

cc (via First-Class, U.S. Mail):

VERNON L. BROWN  
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Monaca, PA 15061