UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

DAVID BRINKLEY,	)	
	)	
Plaintiff,	)	
	)	**No. 3:11-cv-01158**
v.	)	
	)	**Judge Sharp**
THEODORE G. LOFTIS, *et al.*,	)	**Magistrate Judge Bryant**
	)	
Defendants.	)	

ORDER

Plaintiff David Brinkley, a prisoner proceeding *pro se* and *in forma pauperis*, has filed a civil rights complaint pursuant to 42 U.S.C. § 1983 against several defendants, including Theodore Loftis, an Officer of the Sumner County Sheriff's Department.[1] On October 9, 2012, Defendant Loftis filed a Motion to Dismiss, asserting he had filed a Motion for More Definite Statement, and "Plaintiff [] failed to file a more definite statement [] in violation of this Court's July 12, 2012, Order [granting the motion]." (Docket Entry No. 32). Plaintiff filed no response in opposition.

The Magistrate Judge entered a Report and Recommendation ("R & R") (Docket Entry No. 34) in this case on May 6, 2013, concluding,

> Plaintiff Brinkley has failed to comply with an order of the Court requiring him to file a more definite statement, and that Plaintiff has further failed to comply with the previous order of the Court requiring him to keep the Clerk informed of his current address.

[1] Defendant Loftis is the only remaining defendant is this case. Defendants James Hunter, a Sumner County General Sessions Judge; Wade Smith, a Magistrate in Sumner County; Cheryl McPherson, the foreperson of the grand Jury in Sumner County; and the Sumner County Sheriff's Department were all dismissed by the Court on August 28, 2012. *See* (Docket Entry Nos. 15 and 28).

Therefore, Magistrate Judge Bryant recommended that "Plaintiff's complaint be DISMISSED with prejudice pursuant to Rule 41(b) of the Federal Rules of Civil Procedure." (*Id.* at 3). No objections were made to the R & R.[2]

Where no objections are made to the R & R, "[t]he district judge may accept, reject, or modify the recommended disposition; receive further evidence; or return the matter to the magistrate judge with instructions." Fed. R. Civ. P. 72(b). Having thoroughly reviewed the record in this case and the applicable law in accordance with Rule 72(b), the Court will accept the R & R.

Accordingly, the Court hereby rules as follows:

(1) The Report and Recommendation (Docket Entry No. 34) is hereby ACCEPTED and APPROVED;

(2) *Defendant Theodore G. Loftis' Motion to Dismiss* (Docket Entry No. 32) is hereby GRANTED; and

(3) This case is hereby DISMISSED WITH PREJUDICE.

The Clerk is directed to enter Judgment in a separate document in accordance with Federal Rule of Civil Procedure 58.

It is SO ORDERED.

Kevin H. Sharp

KEVIN H. SHARP
UNITED STATES DISTRICT JUDGE

[2] Plaintiff received the R & R via Certified Mail on May 9, 2013. *See* (Docket Entry No. 36).