

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION**

<b>RACARDO SPENCER,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	<b>No. 3:15-cv-00458</b>
<b>v.</b>	)	
	)	<b>Judge Sharp</b>
<b>MATTHEW MOSES,</b>	)	<b>Magistrate Judge Bryant</b>
	)	
<b>Defendant.</b>	)	

**ORDER**

Plaintiff Ricard Spencer filed this suit alleging violations of his constitutional rights under 42 U.S.C. § 1983. Specifically, Plaintiff alleges that Defendant Matthew Moses used excessive force while arresting him and conducted an illegal search of his person.

Defendant Moses has filed a Motion for Sanctions, (Docket No. 43), in which he seeks dismissal of this action. Defendant argues that dismissal is appropriate because Plaintiff Spencer has failed to keep the Court informed of his current address in violation of the scheduling order entered in this case. He also directs the Court to media coverage of Plaintiff Spencer, who is currently wanted on charges of aggravated robbery and kidnapping. (Docket No. 43-1). Defendant believes these outstanding charges render Plaintiff unlikely to alert the Court as to his whereabouts. Numerous attempts to reach Plaintiff have been returned to the Court as undeliverable. (Docket Nos. 31, 39, 50, 51). Additionally, Plaintiff failed to respond to Magistrate Judge Bryant’s Order to Show Cause, which instructed Plaintiff to show cause why his Complaint should not be dismissed. (Docket No. 44).

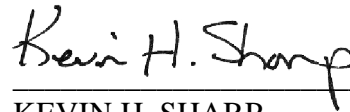
Magistrate Judge Bryant has now issued a Report and Recommendation (“R & R”), (Docket No. 48), in which he recommends that this case be dismissed pursuant to Federal Rule

of Civil Procedure 41(b). Despite being advised that any objection needed to be filed within fourteen days, plaintiff has filed none. Having considered the matter de novo as required by Rule 72 of the Federal Rules of Civil Procedure, the Court agrees with the recommended disposition.

Accordingly, the Report and Recommendation (Docket No. 48) is hereby ACCEPTED and APPROVED and this case is hereby DISMISSED WITH PREJUDICE.

The Clerk of the Court shall enter a final judgment in accordance with Rule 58 of the Federal Rules of Civil Procedure.

It is SO ORDERED.

A handwritten signature in black ink that reads "Kevin H. Sharp". The signature is written in a cursive style with a horizontal line underneath it.

KEVIN H. SHARP  
UNITED STATES DISTRICT JUDGE