

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

JAMES M. BOOTH, JR.,)	
)	
Plaintiff)	
)	No. 3:15-0494
v.)	Judge Trauger/Bryant
)	Jury Demand
AMBER RUMSEY, et al.,)	
)	
Defendants)	

TO: THE HONORABLE ALETA A. TRAUGER

REPORT AND RECOMMENDATION

It appears from the record that recent mailings to Plaintiff Booth from the Clerk's office have been returned as undeliverable (Docket Entry Nos. 41, 42, 57 and 58). It thus appears that Plaintiff Booth has failed to keep the Clerk's office informed of his current address. The Court previously has admonished Plaintiff that he is required to keep the Court and the opposing party informed of his current address, and that his failure to do so may result in a recommendation that this action be dismissed for his failure to prosecute and failure to comply with the Court's order (Docket Entry No. 15 at 2).

On July 18, 2016, the undersigned Magistrate Judge issued an order requiring Plaintiff Booth to show cause by August 1, 2016, why this case should not be dismissed for his failure to prosecute and to keep the Court and other parties informed of his current address. This order further admonished Plaintiff that his failure to respond may cause the undersigned to recommend that this action be dismissed (Docket Entry No. 59).

Plaintiff Booth has failed to respond to this order, and the Clerk's mailing of this order to Plaintiff at his address of record has been returned by the post office marked "Return to Sender - Attempted - Not Known - Unable to Forward." This envelope also bears the handwritten word "Out" which the undersigned construes as a statement that Plaintiff Booth has been released from custody.

From the foregoing, the undersigned Magistrate Judge finds that this case should be dismissed pursuant to Rule 41(b) of the Federal Rules of Civil Procedure for Plaintiff's failure to prosecute and to comply with orders of the Court requiring him to keep the Court and the adverse party informed of his current address, and that all pending motions should be denied as moot.

RECOMMENDATION

For the reasons stated above, the undersigned recommends that this action be dismissed pursuant to Rule 41(b) of the Federal Rules of Civil Procedure.

Under Rule 72(b) of the Federal Rules of Civil Procedure, any party has **14 days** from receipt of this Report and Recommendation in which to file any written objections to this Recommendation with the District Court. Any party opposing said objections shall have **14 days** from receipt of any objections filed in this Report in which to file any responses to said objections. Failure to file specific objections within **14 days** of receipt of this Report and Recommendation can constitute a waiver of further

appeal of this Recommendation. *Thomas v. Arn*, 474 U.S. 140 106 S. Ct. 466, 88 L.Ed.2d 435 (1985), *Reh'g denied*, 474 U.S. 1111 (1986).

ENTER this 2nd day of August, 2016.

/s/ John S. Bryant
JOHN S. BRYANT
United States Magistrate Judge