

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

JOHNNY JEROME GREER,)	
)	
Plaintiff,)	
)	
)	
vs.)	CASE NO. 3:15-0545
)	JUDGE TRAUGER/KNOWLES
)	
REGGINA DAY,)	JURY DEMAND
)	
Defendant.)	

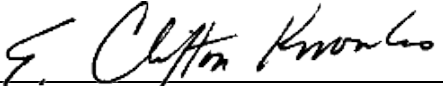
REPORT AND RECOMMENDATION

This matter is before the Court upon Defendant’s “Motion to Dismiss For Failure to Prosecute.” Docket No. 15. The pro se prisoner Plaintiff has not filed a Response to the instant Motion, although the Motion was filed August 25, 2015.

The Motion essentially states that a summons was issued and served on Defendant. Thereafter, Defendant’s attorney filed a Notice of Appearance and an Answer to the Complaint. Defendant’s attorney attempted to serve these documents on Plaintiff at his address listed in his Court filings, which was the Montgomery County Jail. Both of those mailings were returned to Sender with a notation of “Refused, Unable to Forward.” Defendant’s attorney states that he has been unable to obtain information from the jail regarding Plaintiff’s status. Plaintiff, however, has not provided the Court, Defendant, or Defendant’s attorney with a new address.

In view of the foregoing, the undersigned recommends that this action be DISMISSED WITHOUT PREJUDICE for failure to prosecute.

Under Rule 72(b) of the Federal Rules of Civil Procedure, any party has fourteen (14) days after service 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 fourteen (14) days after service of any objections filed to this Report in which to file any response to said objections. Failure to file specific objections within fourteen (14) days of service of this Report and Recommendation can constitute a waiver of further appeal of this Recommendation. *See 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); 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72.



E. Clifton Knowles
United States Magistrate Judge