

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

LIZERA MARABLE,

Plaintiff,

Civil Action No. 16-cv-02731
Hon. Matthew F. Leitman

v.

DAVIDSON COUNTY SHERIFF'S
OFFICE *et al.*,

Defendants.

**ORDER (1) ADOPTING MAGISTRATE JUDGE'S RECOMMENDED
DISPOSITION (ECF #11) AND (2) DISMISSING PLAINTIFF'S
COMPLAINT (ECF #1) WITHOUT PREJUDICE**

In this prisoner civil-rights action, *pro se* Plaintiff Lizera Marable alleges that Defendants provided inadequate medical care while Marable was in the custody of the Davidson County Sheriff's Office. (*See* Compl., ECF #1.)

On November 7, 2016, this Court entered a written order in which it required Marable to complete a "service packet"¹ within twenty-one days for each Defendant so that the Court could issue valid process in this action. (ECF #7 at Pg. ID 32.) In that order, the Court warned Marable that "the failure to return the completed service

¹ A "service packet" is comprised of a summons and a USM-285 form. (ECF #7 at Pg. ID 32.) Copies of blank service packets were mailed to Marable at Marable's custodial address. (*See id.*)

packets within the time required could jeopardize prosecution of this action.” (*Id.*) In addition, Marable was “further warned that failure to advise the Court promptly of any change of his address may result in the dismissal of this lawsuit for failure to prosecute.” (*Id.*)

Marable did not return the service packets to the Court as ordered. Instead, Marable “filed a notice with the Court that contained a non-institutional residential address.” (ECF #11 at Pg. ID 36.) The Court thereafter re-mailed Marable copies of the service packets and again warned that the failure to complete and return the forms, or the failure to provide the Court with a valid address, could result in the dismissal of this action:

Accordingly, the Clerk is directed to again send two service packets to Plaintiff at the new address and to change Plaintiff’s address on the docket. Plaintiff **MUST** complete the service packets and return them to the Clerk’s Office by February 28, 2017. Upon return of the completed service packets, **PROCESS SHALL ISSUE**. However, Plaintiff is forewarned that the failure to return the completed service packets within the time required will result in a recommendation that his action be dismissed. Plaintiff is also advised that she must keep the Court and Defendants informed of a current and good mailing address. Additional instances of returned mail due to an insufficient address will result in a recommendation that this action be dismissed.

(*Id.* at Pg. ID 36-37.)

The Court’s written order and service packet were mailed to Marable’s new address, but they were returned to the Court as undeliverable. (*See* ECF #13.)

Thereafter, on March 30, 2017, the assigned Magistrate Judge issued a report and recommendation (the “R&R”) in which she recommended that the Court dismiss Marable’s Complaint without prejudice due to (1) Marable’s failure to follow the Court’s previous orders and (2) Marable’s failure to prosecute this action. (*See* ECF #14.) At the conclusion of the R&R, the Magistrate Judge instructed Marable that if Marable wanted to seek review of her recommendation, Marable needed to file specific written objections with the Court within fourteen days. (*See id.* at Pg. ID 42.)

Marable has not filed any objections to the R&R. Nor has Marable filed a notice of a new address with the Court. Marable’s failure to file objections to an R&R waives any further right to appeal. *See Howard v. Sec’y of Health and Human Servs.*, 932 F.2d 505 (6th Cir. 1991); *Smith v. Detroit Fed’n of Teachers Local 231*, 829 F.2d 1370, 1373 (6th Cir. 1987). Likewise, the failure to object to an R&R releases the Court from its duty to independently review the matter. *See Thomas v. Arn*, 474 U.S. 140, 149 (1985).

Accordingly, because Marable has failed to file any objections to the R&R, and has otherwise failed to comply with orders of this Court, **IT IS HEREBY ORDERED** that the Magistrate Judge’s recommendation to dismiss Marable’s Complaint without prejudice is **ADOPTED**.

IT IS FURTHER ORDERED that Marable's Complaint (ECF #1) is
DISMISSED WITHOUT PREJUDICE.

s/Matthew F. Leitman
MATTHEW F. LEITMAN
UNITED STATES DISTRICT JUDGE
SITTING BY SPECIAL DESIGNATION

Dated: August 4, 2017