

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION**

LEWIS JAMES SEALS, JR.,)
)
 Plaintiff,)
)
 v.)
)
 YELLOW CAB, d/b/a CHECKER CAB,)
 PREMIER TRANSPORTATION,)
 HAM SMYTHE IV, et al.,)
)
 Defendants.)

Case No. 2:13-cv-02971-JTF-cgc

**ORDER ADOPTING THE MAGISTRATE JUDGE’S REPORT AND
RECOMMENDATION
AND ORDER DISMISSING THIS CASE *SUA SPONTE***

Before the Court is Plaintiff’s Lewis James Seals, Jr.’s *pro se* Complaint against Defendants Yellow Cab, d/b/a Check Cab, Premier Transportation, Ham Smythe IV, et al., that was filed on December 13, 2013. (ECF No. 1). On December 17, 2013, the matter was referred to the Magistrate Judge pursuant to 28 U.S.C. §636. (ECF No. 3). On July 18, 2014, the Magistrate Judge granted Plaintiff leave to proceed *in forma pauperis* and ordered Plaintiff to provide the Clerk of Court addresses of Defendants Premier Transportation (d/b/a Yellow Cab and Checker Cab) and Ham Smythe within fourteen (14) days so that the Clerk could issue service of process and the Marshal could deliver copies to the Defendants pursuant to Fed. R. Civ. P. 4(e) and 4(h). (ECF No. 4). To date, Plaintiff has failed to comply with that Order.

Accordingly, the Magistrate Judge entered an Order to Show Cause on November 10, 2014, directing Plaintiff to Show Cause within fourteen (14) days why the Magistrate Judge

should not recommend that Plaintiff's case be dismissed for failure to prosecute pursuant to Fed. R. Civ. P. 41(b). (ECF No. 5). The record indicates that on January 8, 2015, the Order to Show Cause was returned to the Clerk of Court's office as undeliverable.¹ (ECF No. 8). As such, Plaintiff has failed to respond. On December 11, 2014, the Magistrate Judge entered her report and recommendation, recommending that the case be dismissed *sua sponte*. (ECF No. 7). To date, no objections have been filed.

II. LEGAL STANDARD

Congress passed 28 U.S.C. §636(b) "to relieve some of the burden on the federal courts by permitting the assignment of certain district court duties to magistrates." See *e.g. Baker v. Peterson*, 67 Fed.App'x. 308, 311, 2003 WL 21321184 (6th Cir. 2003) and Fed. R. Civ. P. 72(a). A district court normally applies a 'clearly erroneous or contrary to law' standard of review for nondispositive preliminary measures. See *U.S. v. Curtis*, 237 F.3d 598, 602 (6th Cir. 2001).

III. ANALYSIS

In her report and recommendation, the Magistrate Judge recommended that the Court *sua sponte* dismiss Plaintiff's case because Plaintiff: 1) has failed to provide information necessary to serve the Defendants in a timely manner and, 2) has failed to comply with a court order requiring him to provide such information.² *Chambers v. NASCO, Inc.*, 501 U.S. 32, 48 (1991) *citing, Link v. Wabash R. Co.*, 370 U.S. 626, 630-32 (1962)). Plaintiff has not filed any objections to the Magistrate Judge's report and recommendation. Furthermore, Plaintiff has not demonstrated any interest in prosecuting this case. The case has remained dormant while Plaintiff has not taken any action in over one year, since the initial date of filing his complaint on

¹ Plaintiff is required to promptly notify the Clerk of any change of address or whereabouts otherwise the Court has grounds for dismissal for want of prosecution. See *James v. Johnson*, No. 1:92-cv-372, 2006 WL 2331169 *2 (W.D. Mich. Aug. 6, 2006).

² Similarly, Plaintiff failed to comply with the Court Order to Show Cause. (ECF No. 5). The record indicates the Order to Show Cause was sent by Certified Mail and signed as received on November 17, 2014. (ECF No. 6).

December 13, 2013. Therefore, after reviewing the Magistrate Judge's Report and Recommendation and the entire record, the Court hereby ADOPTS the Magistrate's Report and Recommendation and orders the case dismissed.

IT IS THEREFORE ORDERED that the case DISMISSED with prejudice pursuant to Fed. R. Civ. P. 41(b) for Plaintiff's failure to prosecute.

IT IS SO ORDERED this 8th day of January, 2015.

s/John T. Fowlkes, Jr.
JOHN T. FOWLKES, JR.
UNITED STATES DISTRICT JUDGE