

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

HERBERT BRENT,)
)
 Plaintiff)
)
 v.)
)
 HYUNDAI CAPITAL AMERICA,)
 HYUNDAI MOTOR COMPANY, INC.,)
 d/b/a THORNTON ROAD HYUNDAI,)
 SAMANTHA BRENT,)
 KEN FLANNAGAN, JOHN DOE,)
 JOHN DOE 2, GEICO INSURANCE,)
 and JOHN DOE 3)
)
 Defendants.)

No. 14-2600-STA-dkv

ORDER ADOPTING MAGISTRATE JUDGE’S REPORT AND RECOMMENDATION

Before the Court is the United States Magistrate Judge’s Report and Recommendation that Plaintiff Herbert Brent’s Pro Se Complaint be dismissed *sua sponte* under 28 U.S.C. § 1915(e)(2). Objections to the Report and Recommendations were due within 14 days after the entry of the Report, making the objections due on or before October 17, 2014. Plaintiff filed a Reply to the Report on October 29, 2014, but in his Reply, Plaintiff does not object the Magistrate Judge’s recommendation of dismissal.

The Magistrate screened the *in forma pauperis* complaint under 28 U.S.C. § 1915(e)(2) and recommended dismissal of the action for improper venue. Having discussed not only the specific RICO venue statute but also the general venue provisions found at 28 U.S.C. § 1391, the Magistrate recommended dismissal without prejudice. In his Reply to the Magistrate Judge’s Report, Plaintiff “agree[d] to dismissal without prejudice to refile in the proper district court”

and prayed that this Court “[d]ismiss the case without prejudice.” (Pl.’s Reply 3–4, ECF No. 13).

Having reviewed the Magistrate Judge’s Report and Recommendation *de novo*, the Court hereby **ADOPTS** the Report. Plaintiff’s Pro Se Complaint is **DISMISSED WITHOUT PREJUDICE**.

Furthermore, in his Reply, the Plaintiff noted that while he may still be able to monitor the mail at his address of record, he no longer resides there. He states that his current address is Alpha Omega Veterans Services Dormitory, 1183 Madison Avenue, Memphis, TN 38104. Therefore, the Clerk of Court is directed to mail this Order to *both* Plaintiff’s address of record and the addressed listed herein. The Plaintiff should note that if he wishes to receive current filings in this matter going forward, he should properly notify the Clerk of Court of his change of address.

IT IS SO ORDERED.

s/ S. Thomas Anderson
S. THOMAS ANDERSON
UNITED STATES DISTRICT JUDGE

Date: December 19, 2014.