

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION

EDWARD HENRY COLEMAN	§	
VS.	§	CIVIL ACTION NO. 1:14-CV-672
JOHN B. FOX, <i>et al.</i> ,	§	

ORDER PARTIALLY ADOPTING THE MAGISTRATE
JUDGE'S REPORT AND RECOMMENDATION

Plaintiff, Edward Henry Coleman, an inmate formerly confined at USP Beaumont, proceeding *pro se*, filed a civil rights action pursuant to 42 U.S.C. § 1983 against numerous defendants.

The Court referred this matter to the Honorable Zack Hawthorn, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this Court. The Magistrate Judge recommends this civil rights action be dismissed without prejudice for want of prosecution pursuant to Federal Rule of Civil Procedure 41(b) for failing to update the court with his current address.

The Court has received and considered the Report and Recommendation of United States Magistrate Judge filed pursuant to such order, along with the record, and pleadings. Plaintiff filed objections to the Magistrate Judge's Report and Recommendation. This requires a *de novo* review of the objections in relation to the pleadings and applicable law. *See* FED. R. CIV. P. 72(b).

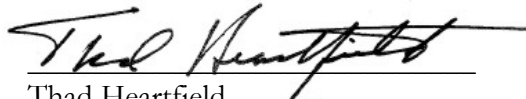
After careful consideration, the Court finds the objections lacking in merit. In his objections dated February 27, 2015, plaintiff did update the Court with his current address and stated that he would file an application to proceed *in forma pauperis* as previously ordered on January 22, 2015. This Court also re-mailed the previous order to plaintiff at his current location which was received by plaintiff at his new location on March 20, 2015. However, to date, the Court has yet to receive an application to proceed *in forma pauperis* or the filing fee. As a result, plaintiff has failed to

diligently prosecute this case and the Report and Recommendation will be partially adopted to the extent it recommends dismissal for want of prosecution.

ORDER

Accordingly, the findings of fact and conclusions of law of the Magistrate Judge are correct, and the report of the Magistrate Judge is **PARTIALLY ADOPTED** to the extent it recommends dismissal for want of prosecution. A final judgment will be entered in this case in accordance with the Magistrate Judge's recommendations.

SIGNED this the 20 day of **August, 2015**.



Thad Heartfield
United States District Judge