

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

RON HAYES §
v. § CIVIL ACTION NO. 5:16cv100
LaSALLE CORRECTIONS, ET AL. §

MEMORANDUM ADOPTING REPORT AND RECOMMENDATION OF THE UNITED STATES MAGISTRATE JUDGE AND ENTERING FINAL JUDGMENT

The Plaintiff Ron Hayes, proceeding pro se, filed this civil rights lawsuit under 42 U.S.C. §1983 complaining of alleged violations of his constitutional rights. Docket No. 1. This Court ordered that the case be referred to the United States Magistrate Judge pursuant to 28 U.S.C. §636(b)(1) and (3) and the Amended Order for the Adoption of Local Rules for the Assignment of Duties to United States Magistrate Judges.

Plaintiff was ordered to pay an initial partial filing fee of \$6.50. Docket No. 4. He sought and received an extension of time until February 15, 2017, in which to do so. Docket No.5. Plaintiff received a copy of this order on January 30, 2017, but to date has not complied, nor did he respond in any way.

On May 5, 2017, the Magistrate Judge issued a Report recommending the lawsuit be dismissed without prejudice for failure to prosecute or to obey an order of the Court. Docket No. 15. A copy of this Report was sent to Hayes at his last known address but was returned as undeliverable because he was no longer at the facility. Docket No. 16. To date, Hayes has not notified the Court of his mailing address or current whereabouts.

The complaint form filed by Hayes contains a series of declarations, followed by Hayes' signature. One of these declarations reads as follows:

I understand if I am released or transferred, it is my responsibility to keep the Court informed of my current mailing address and failure to do so may result in the dismissal of this lawsuit. Docket No. 1 at 4.

Plaintiff has had over eight months in which to respond to the order directing payment of the initial partial filing fee, and some five months have elapsed since the Report was returned. He has had more than ample time in which to prosecute his case or to notify the Court of his current address. Because Plaintiff filed no objections to the Magistrate Judge's Report, he is barred from de novo review by the district judge of those findings, conclusions and recommendations and, except upon grounds of plain error, from appellate review of the unobjected-to proposed factual findings and legal conclusions accepted and adopted by the district court. Douglass v. United Services Automobile Association, 79 F.3d 1415, 1430 (5th Cir. 1996) (en banc).

The Court has reviewed the pleadings in this cause and the Report of the Magistrate Judge. Upon such review, the Court has determined the Report of the Magistrate Judge is correct. See United States v. Wilson, 864 F.2d 1219, 1221 (5th Cir.), cert. denied, 492 U.S. 918, 109 S.Ct. 3243 (1989) (where no objections to a Magistrate Judge's Report are filed, the standard of review is "clearly erroneous, abuse of discretion and contrary to law.") It is accordingly

ORDERED the Report of the Magistrate Judge (Docket No. 15) is **ADOPTED** as the opinion of the District Court. It is further

ORDERED the above-styled civil action is **DISMISSED WITHOUT PREJUDICE** for failure to prosecute or to obey an order of the Court. Finally, it is

ORDERED any and all motions which may be pending in this civil action are hereby **DENIED**.

SIGNED this 27th day of October, 2017.


ROBERT W. SCHROEDER III
UNITED STATES DISTRICT JUDGE