

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

TYLER DIVISION

ERIC JAMES STENSON §
v. § CIVIL ACTION NO. 6:09CV224
ERIC J. PHILLIPS, ET AL. §

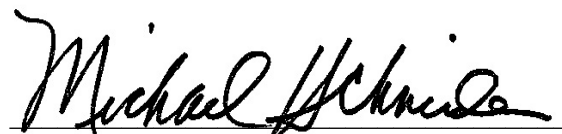
ORDER ADOPTING REPORT AND
RECOMMENDATION OF UNITED STATES
MAGISTRATE JUDGE

The Report and Recommendation of the Magistrate Judge, which contains her findings, conclusions, and recommendation for the disposition of this case has been presented for consideration. The Report and Recommendation recommends that the complaint be dismissed without prejudice for failure to timely effect service and for failure to prosecute. No written objections have been filed. The Report and Recommendation was sent to Plaintiff both electronically and via certified mail. The copy sent via certified mail was returned to the Court with the notation, “moved, left no address, unable to forward, return to sender.” Plaintiff has not provided the Court with his current address. The Court therefore adopts the findings and conclusions of the Magistrate Judge as those of the Court.

In light of the foregoing, it is

ORDERED that the complaint is **DISMISSED** without prejudice for failure to timely effect service and failure to prosecute. Fed.R.Civ.P. 4(m) and 41(b). Any motion not previously ruled on is **DENIED**.

SIGNED this 4th day of November, 2009.



MICHAEL H. SCHNEIDER
UNITED STATES DISTRICT JUDGE