

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

TYLER DIVISION

MELVIN J. MALLET, JR. §
v. § CIVIL ACTION NO. 6:12CV679
NESTLE WATERS NORTH AMERICA §

ORDER ADOPTING REPORT AND
RECOMMENDATION OF UNITED STATES
MAGISTRATE JUDGE


The Report and Recommendation of the Magistrate Judge, which contain her findings, conclusions, and recommendation for the disposition of this case has been presented for consideration. The Report and Recommendation (document #5) recommends that the complaint be dismissed without prejudice pursuant to Fed.R.Civ.P. 41(b) for failure to prosecute. No written objections have been filed. The Report and Recommendation was mailed to Plaintiff via both regular and certified mail. The certified mail receipt reveals that delivery was attempted on December 12, 2012, and Plaintiff has not claimed his certified mail. 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 pursuant to Fed.R.Civ.P. 41(b) for failure to prosecute. Any motion not previously ruled on is **DENIED**.

It is SO ORDERED.

SIGNED this 15th day of January, 2013.


MICHAEL H. SCHNEIDER
UNITED STATES DISTRICT JUDGE