

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

HOBERT STANLEY MILLER

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v.

CIVIL ACTION NO. 6:16-cv-1331

ACCESS MHMR

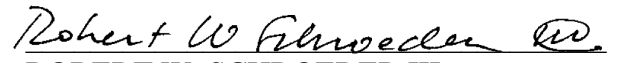
**ORDER ADOPTING REPORT AND
RECOMMENDATION OF THE
UNITED STATES MAGISTRATE JUDGE**

The Report and Recommendation of the Magistrate Judge, which contains her findings, conclusions, and recommendation for the disposition of the complaint has been presented for consideration. The Report and Recommendation (Docket No. 29), filed on November 30, 2017, recommends that the complaint be dismissed without prejudice for failure to prosecute. FED. R. CIV. P. 41(b).

The Report and Recommendation recommends dismissal for failure to prosecute as a result of Plaintiff's failure to appear at a scheduled hearing and his failure to respond to a Show Cause Order. Docket No. 29 at 1. The Court mailed the Report and Recommendation to Plaintiff via regular and certified mail. The copy sent via certified mail was returned to the Court on February 12, 2018 with the notation "unclaimed." Docket No. 30. The copy sent via regular mail was not returned. Plaintiff did not claim certified mail from the Court, and no written objections to the Report and Recommendation have been filed. Plaintiff failed to prosecute his case. The Court therefore **ADOPTS** the findings and conclusions of the Magistrate Judge as those of the Court. It is therefore

ORDERED that the complaint is **DISMISSED** without prejudice for failure to prosecute. FED. R. CIV. P. 41(b).

SIGNED this 14th day of February, 2018.


ROBERT W. SCHROEDER III
UNITED STATES DISTRICT JUDGE