

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

JOHN ALFRED REGALADO,

Plaintiff,

v.

IAN READ, ET AL.,

Defendants.

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CIVIL ACTION NO. 6:17-CV-00257-RWS


**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. 9), filed on June 12, 2017, recommends that the Complaint be dismissed without prejudice for failure to prosecute. FED R. CIV. P. 41(b). The Court sent the Report and Recommendation to Plaintiff via certified mail at his last known address. It was returned with the notations “moved” and “return to sender not deliverable as addressed unable to forward.” Plaintiff is a pro se litigant, and under the local Rules of the Eastern District of Texas, pro se litigants must provide the Court with a physical address and are “responsible for keeping the clerk advised in writing of the current physical address.” Local Rule CV-11(d). To date, Plaintiff has not updated his address with the Court.

Plaintiff did not file objections to the Report and Recommendation; therefore, this Court reviews the Report and Recommendation for clear error. Fed. R. Civ. P. 72(a); see also *Rodriguez v. Bowen*, 857 F.2d 275, 276–77 (5th Cir. 1988). Upon review of the Magistrate Judge’s finding, this Court finds that the findings and conclusions of the Magistrate Judge are correct. The Court

agrees with the Magistrate Judge that each of Plaintiff's claims should be dismissed without prejudice for failure to prosecute. 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 prosecute. FED R. CIV. P. 41(b).

SIGNED this 24th day of July, 2017.


ROBERT W. SCHROEDER III
UNITED STATES DISTRICT JUDGE