

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

TYLER DIVISION

JASON ALLEN BLAKE, #8385 §
VS. § CIVIL ACTION NO. 6:18cv210
HENDERSON COUNTY SHERIFF, ET AL. §

MEMORANDUM ADOPTING REPORT AND RECOMMENDATION

Plaintiff Jason Allen Blake, an inmate formerly confined at the Henderson County Detention Center is proceeding pro se and in forma pauperis in the above styled and numbered civil rights lawsuit. The complaint was referred to the United States Magistrate Judge, the Honorable Judge John D. Love, for findings of fact, conclusions of law, and recommendations for the disposition of the case.

On June 27, 2019, Judge Love issued a Report, (Dkt. #10), recommending that Plaintiff's civil rights lawsuit be dismissed, without prejudice, for Plaintiff's failure to prosecute his case and comply with an order of the court. Specifically, Judge Love found that Plaintiff failed to comply with the June 6, 2019, order directing Plaintiff to provide a current mailing address no later than June 26, 2019. That order was returned as "undeliverable," thus prompting the Report and Recommendation, (Dkt. #9). A copy of the Report was sent to Plaintiff at his last known address, return receipt requested. The docket reflects that the Report was returned as "undeliverable," with a notation that Plaintiff had been released, (Dkt. #11). To date, no objections to Judge Love's Report have been filed. The court further notes that Plaintiff has not communicated with the court since May 2018.

Because no objections to Judge Love's Report have been filed, Plaintiff 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 Auto. Ass'n.*, 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 that 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."). Accordingly, it is

ORDERED that the Report of the United States Magistrate Judge, (Dkt. #10), is **ADOPTED** as the opinion of the court. Further, it is

ORDERED that Plaintiff's civil rights lawsuit is **DISMISSED**, without prejudice, for Plaintiff's failure to comply with an order of the court and prosecute his case. Finally, it is

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

SIGNED this the 29th day of September, 2019.


RICHARD A. SCHELL
UNITED STATES DISTRICT JUDGE