

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS

No. 6:23-cv-00284

Jacob Durst,
Plaintiff,

v.

Smith County et al.,
Defendants.

ORDER

Plaintiff Jacob Durst, a former inmate of the Smith County Jail proceeding pro se, filed this lawsuit complaining of alleged deprivations of his constitutional rights. The case was referred to United States Magistrate Judge K. Nicole Mitchell.

On April 25, 2024, the magistrate judge issued a report recommending that the lawsuit be dismissed without prejudice for failure to prosecute. Doc. 4 at 3. As the report pointed out, plaintiff has not contacted the court since June 2023. *Id.* at 2. A copy of this report was sent to plaintiff at his last known address but was returned as undeliverable because plaintiff had been discharged. Doc. 5.

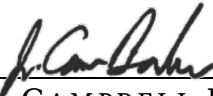
The complaint form that plaintiff filed contains an instruction stating: “Failure to notify the court of your change of address could result in the dismissal of your case.” Doc. 1 at 2. The Local Rules similarly state that a pro se litigant “must provide the court with a physical address . . . and is responsible for keeping the clerk advised in writing of his or her current physical address.” Local Rule CV-11(d); *see also Anderson v. Munger*, No. 5:17-cv-175, 2019 WL 2929056, at *1 (E.D. Tex. July 8, 2019) (“The Court has no duty to locate litigants, particularly where a litigant has been advised of his responsibility to keep a current address with the Court.”).

It has been approximately seven months since the magistrate judge issued her report, and to date, no objections have been filed.

Nor has plaintiff advised the court of his present mailing address or current whereabouts.

When there have been no timely objections to a magistrate judge's report and recommendation, the court reviews it only for clear error. *See Douglass v. United Servs. Auto. Ass'n*, 79 F.3d 1415, 1420 (5th Cir. 1996). Having reviewed the magistrate judge's report, and being satisfied that it contains no clear error, the court accepts its findings and recommendation. The lawsuit is dismissed without prejudice for failure to prosecute. All pending motions are denied as moot.

So ordered by the court on November 22, 2024.



J. CAMPBELL BARKER
United States District Judge