

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA

AT CHARLESTON

THOMAS WILSON CASTO,

Plaintiff,

v.

Civil Action No. 2:13-2460

STATE OF WEST VIRGINIA and
COUNTY OF JACKSON and
OFFICERS, AGENTS, ADMINISTRATORS,
CLERKS AND STATE POLICE DEPT. and
SHANNON BALDWIN and
PROSECUTING ATTORNEY OFFICE, JACKSON COUNTY and
TROOPER MARION,

Defendants.

MEMORANDUM OPINION AND ORDER

This action was previously referred to Dwane L. Tinsley, United States Magistrate Judge, who has submitted his Proposed Findings and Recommendation pursuant to the provisions of 28 U.S.C. § 636(b)(1)(B). The court has reviewed the Proposed Findings and Recommendation entered by the magistrate judge on October 21, 2014. The magistrate judge recommends that the case be dismissed without prejudice for failure to prosecute.

The plaintiff has not objected to the Proposed Findings and Recommendation. The court has undertaken

substantial measures to provide notice to him. On November 19, 2013, the court received from Mr. Casto a change-of-address notification reflecting that mail should be sent to him at Denmar Correctional Center. On October 21, 2014, the magistrate judge sent the Proposed Findings and Recommendation to Mr. Casto at that facility. The mailing was returned as undeliverable. On November 3, 2014, the mailing was sent to him anew at the South Central Regional Jail after it was learned that he was there incarcerated. That mailing was also returned undeliverable.

After contacting the West Virginia Division of Corrections, the magistrate judge learned that Mr. Casto had been placed on parole and was residing at his current listed address in Ripley, West Virginia. The magistrate judge directed that the proposed findings and recommendation be sent to him at that address, with the objection period running from December 4, 2014. That final mailing has not been returned and Mr. Casto has not objected or otherwise responded. .


Accordingly, based upon the foregoing, it is ORDERED as follows:

1. That the Proposed Findings and Recommendation be, and it hereby is, adopted by the court;

2. That this action be, and hereby is, dismissed without prejudice and stricken from the docket.

The Clerk is directed to forward copies of this written opinion and order to the pro se plaintiff at his last known mailing address, all counsel of record, and the United States Magistrate Judge.

DATED: February 13, 2015



John T. Copenhaver, Jr.
United States District Judge