

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

ROBERT WAYNE WILLIAMS,)
)
 Plaintiff,)
)
 v.) CIVIL ACTION NO. 2:08-CV-521-TMH
) [WO]
)
 DENNIS MEEKS, et al.,)
)
 Defendants.)

RECOMMENDATION OF THE MAGISTRATE JUDGE

On July 2, 2008, Robert Wayne Williams [“Williams”], a county inmate, filed the instant 42 U.S.C. § 1983 action challenging actions taken against him during his confinement in the Covington County Jail. The order of procedure entered in this case required Williams to immediately inform the court of any change in his address. *Order of July 7, 2008 - Court Doc. No. 4* at 6. On July 22, 2008, the court entered a Recommendation¹ (Court Doc. No. 6), a copy of which the Clerk mailed to Williams. The postal service returned this order to the court because Williams no longer resided at the address he had provided for service. In light of the foregoing, the court entered an order requiring that on or before August 14, 2008 Williams show cause why this case should not be dismissed for his failure to provide the court his present address. *Order of August 4, 2008 - Court Doc. No. 7*. The court

¹The Recommendation dealt only with Williams’ claims against the Covington County Jail which are due to be dismissed with prejudice because the jail is not subject to suit under 42 U.S.C. § 1983.

specifically cautioned Williams that failure to comply with the directives of this order would result in a recommendation that this case be dismissed. *Id.* at 2. The plaintiff has filed nothing in response to the August 4, 2008 order. The court therefore concludes that this case is due to be dismissed.

CONCLUSION

Accordingly, it is the RECOMMENDATION of the Magistrate Judge that this case be dismissed without prejudice for failure of the plaintiff to properly prosecute this action and his failure to comply with the orders of this court. It is further

ORDERED that **on or before September 2, 2008** the parties may file objections to the Recommendation. Any objections filed must specifically identify the findings in the Magistrate Judge's Recommendation to which the party is objecting. Frivolous, conclusive or general objections will not be considered by the District Court. The parties are advised that this Recommendation is not a final order of the court and, therefore, it is not appealable.

Failure to file written objections to the proposed findings and advisements in the Magistrate Judge's Recommendation shall bar the party from a de novo determination by the District Court of issues covered in the Recommendation and shall bar the party from attacking on appeal factual findings in the Recommendation accepted or adopted by the District Court except upon grounds of plain error or manifest injustice. *Nettles v. Wainwright*, 677 F.2d 404 (5th Cir. 1982). *See Stein v. Reynolds Securities, Inc.*, 667 F.2d

33 (11th Cir. 1982). *See also Bonner v. City of Prichard*, 661 F.2d 1206 (11th Cir. 1981, *en banc*), adopting as binding precedent all of the decisions of the former Fifth Circuit handed down prior to the close of business on September 30, 1981.

Done this 19th day of August, 2008.

/s/Charles S. Coody
CHARLES S. COODY
UNITED STATES MAGISTRATE JUDGE