

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

KENNETH CAUTHEN,)	
)	
)	
Plaintiff,)	
)	
v.)	CIVIL ACTION NO. 2:18-CV-350-WHA
)	[WO]
WARDEN WALTER WOODS,)	
)	
Defendants.)	

RECOMMENDATION OF THE MAGISTRATE JUDGE

Plaintiff, a federal inmate, filed this *Bivens*¹ civil rights action on March 19, 2018. On March 23, 2018, the court entered an order directing Plaintiff to file either the \$400.00 filing/administrative fees or an affidavit in support of a motion for leave to proceed *in forma pauperis* accompanied by relevant financial information from the inmate account clerk. Doc. 3.

On May 7, 2018, the envelope containing Plaintiff's copy of the court's March 23, 2018, order was returned to the court marked as undeliverable. As it appears Plaintiff is no longer residing at the address he provided to the court when he filed the complaint, and he has not provided this court with a new address for service, the undersigned concludes that dismissal is appropriate. *See Mingo v. Sugar Cane Growers Co-Op of Fla.*, 864 F.2d 101, 102 (11th Cir. 1989) (holding that "[t]he district court possesses the inherent power to police its docket.").

Accordingly, it is the RECOMMENDATION of the Magistrate Judge this case be DISMISSED without prejudice for Plaintiff's failures to prosecute this action and to comply with the orders of this court.

¹ *Bivens v. Six Unknown Named Agents*, 403 U.S. 388 (1971).

It is further

ORDERED that **on or before May 23, 2018**, Plaintiff may file objections to the Recommendation. Any objections filed must specifically identify the findings in the Magistrate Judge's Recommendation to which Plaintiff objects. Frivolous, conclusive or general objections will not be considered by the District Court. Plaintiff is advised 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 recommendations in the Magistrate Judge's report shall bar a party from a *de novo* determination by the District Court of factual findings and legal issues covered in the report and shall "waive the right to challenge on appeal the district court's order based on unobjected-to factual and legal conclusions" except upon grounds of plain error if necessary in the interests of justice. 11th Cir. R. 3-1; *see Resolution Trust Co. v. Hallmark Builders, Inc.*, 996 F.2d 1144, 1149 (11th Cir. 1993); *Henley v. Johnson*, 885 F.2d 790, 794 (11th Cir. 1989).

Done, this 9th day of May 2018.

/s/ Wallace Capel, Jr.
CHIEF UNITED STATES MAGISTRATE JUDGE