

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ALABAMA  
NORTHEASTERN DIVISION**

## MEMORANDUM OPINION

On January 6, 2023, the magistrate judge ordered Plaintiff Richard Kevin Hester to provide the court with his current mailing address within fourteen days. (Doc. 18). The magistrate judge warned Mr. Hester that failure to comply could result in the dismissal of this action for failure to prosecute. (*Id.* at 2). Mr. Hester failed to comply with or otherwise respond to that order. On February 6, 2023, the magistrate judge entered a report recommending that the court dismiss this action for failure to prosecute. (Doc. 19). The copies of the report and recommendation mailed to both jails where Mr. Hester might be located have been returned to the court marked as undeliverable and with notations that Mr. Hester is not there.<sup>1</sup>

<sup>1</sup> Specifically, the copy sent to Mr. Hester at the Morgan County Jail has been returned by the United States Postal Service with the notation “N-I-J,” which stands for “Not in Jail.” (Doc. 20). The copy sent to Mr. Hester at the Colbert County Jail was returned marked “Not Here.” (Doc. 21).

Having carefully reviewed and considered *de novo* all the materials in the court file, including the report and recommendation, the court **ADOPTS** the magistrate judge's report and **ACCEPTS** the recommendation. Accordingly, the court **WILL DISMISS** this action **WITHOUT PREJUDICE** for failure to prosecute.

The court will enter a separate final order consistent with this opinion.

**DONE** and **ORDERED** this February 24, 2023.



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**ANNEMARIE CARNEY AXON**  
UNITED STATES DISTRICT JUDGE