

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
LOUISIANA, SHREVEPORT DIVISION

Damiena Trumel Heard v. Jordan McCormick, et al.

Heard · No. 25-1723-P · Decided February 24, 2026

SUMMARY

A magistrate judge issues a Report and Recommendation in a pro se civil rights action brought under 42 U.S.C. § 1983. The recommendation proposes dismissal without prejudice under Federal Rule of Civil Procedure 41(b) for failure to prosecute because mail sent to the plaintiff was returned as undeliverable after his release and he failed to provide a new address.

CASE DETAILS

COURT	United States District Court for the Western District of Louisiana, Shreveport Division
WRITING FOR THE COURT	Mark L. Hornsby
JURISDICTION	United States District Court for the Western District of Louisiana, Shreveport Division
DECIDED	February 24, 2026
DOCKET	25-1723-P
DISPOSITION	other
PROCEDURAL POSTURE	A pro se prisoner civil-rights complaint filed in forma pauperis under 42 U.S.C. § 1983 was referred to a magistrate judge for review and a report and recommendation. The magistrate judge recommended sua sponte dismissal without prejudice for failure to prosecute because mail to the plaintiff was returned after his release and he failed to provide an updated address.
PRECEDENTIAL VALUE	Nonprecedential report and recommendation; not a final district-court opinion in the source document.
PARTIES	Damiena Trumel Heard v. Jordan McCormick, Russell Engi, Schyler Marvin, IDB Board, Bossier City

TOPICS

civil procedure

section 1983

prisoners rights

PRACTICE AREAS

Civil procedure

Prisoner civil rights

QUESTIONS PRESENTED

1. Whether the complaint should be dismissed without prejudice for failure to prosecute when the plaintiff failed to update his address after mail was returned following his release from incarceration.

HOLDINGS

1. The magistrate judge recommended that the complaint be dismissed without prejudice, sua sponte, for failure to prosecute under Federal Rule of Civil Procedure 41(b) and the court's inherent power to control its docket after the plaintiff failed to provide an updated address.

KEY QUOTATIONS

"Accordingly; IT IS RECOMMENDED that this complaint be DISMISSED WITHOUT PREJUDICE, sua sponte, for failure to prosecute, pursuant to Rule 41(b) of the Federal Rules of Civil Procedure as interpreted by the court and under the court's inherent power to control its own docket."

FACTUAL BACKGROUND

Damiena Trumel Heard filed a pro se civil-rights complaint under 42 U.S.C. § 1983 while incarcerated at the Bossier Maximum Security Center. The court granted his motion to proceed in forma pauperis, but the order was returned by the Postal Service after his release. Heard did not provide the court with a new address, leaving the court unable to communicate with him.

PROCEDURAL HISTORY

Plaintiff filed the complaint on November 7, 2025, while incarcerated. The court granted in forma pauperis status on January 8, 2026, but the order was returned as undeliverable on January 16, 2026, marked "RETURN TO SENDER -released." Plaintiff did not inform the court of a new address. The magistrate judge issued this report and recommendation recommending dismissal without prejudice and advised the parties of their right to object under 28 U.S.C. § 636(b)(1)(C) and Rule 72(b).

DISPOSITION

other

CASES CITED

- Link v. Wabash Railroad Co., 370 U.S. 626, 82 S. Ct. 1386 (1962)
- Rogers v. Kroger Co., 669 F.2d 317, 320-321 (5th Cir. 1982)
- Douglas v. U.S.A.A., 79 F.3d 1415 (5th Cir. 1996) (en banc)

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