

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)

## OPINION

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF LOUISIANA  
SHREVEPORT DIVISION DAMIENA TRUMEL HEARD CIVIL ACTION NO. 25-1723-P  
VERSUS JUDGE HICKS JORDAN MCCORMICK, ET AL. MAGISTRATE JUDGE  
HORNSBY REPORT AND RECOMMENDATION In accordance with the standing order of this  
court, this matter was referred to the undersigned Magistrate Judge for review, report and  
recommendation.

STATEMENT OF CLAIM Before the court is a civil rights complaint filed in forma pauperis by  
pro se plaintiff Damiena Trumel Heard ("Plaintiff"), pursuant to 42 U.S.C. § 1983. This complaint  
was received and filed in this court on November 7, 2025. Plaintiff was incarcerated at the Bossier  
Maximum Security Center in Plain Dealing, Louisiana, when he filed this complaint.

He names Jordan McCormick, Russell Engi, Schyler Marvin, IDB Board, and Bossier City as  
defendants. This court granted Plaintiff's motion to proceed in forma pauperis on January 8, 2026  
[Doc. 3]. However, that order was returned to this court on January 16, 2026, by the United States  
Postal Service marked "RETURN TO SENDER -released." To date, Plaintiff has not informed this  
court of his new address.

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. See *Link v. Wabash Railroad Company*, 370 U.S. 626, 82 S.Ct. 1386 (1962); *Rogers v.*  
*Kroger Company*, 669 F.2d 317, 320-321 (5th Cir.

1982). OBJECTIONS Under the provisions of 28 U.S.C. § 636(b)(1)(C) and Fed. R. Civ. P. 72(b),  
parties aggrieved by this recommendation have fourteen (14) days from service of this Report and  
Recommendation to file specific, written objections with the Clerk of Court unless an extension of  
time is granted under Fed. R. Civ. P. 6(b). A party may respond to another party's objections within  
fourteen (14) days after being served with a copy thereof.

Counsel are directed to furnish a courtesy copy of any objections or responses to the District Judge  
at the time of filing. A party's failure to file written objections to the proposed findings,  
conclusions and recommendation set forth above, within fourteen (14) days after being served  
with a copy shall bar that party, except upon grounds of plain error, from attacking on appeal the  
proposed factual findings and legal conclusions that were accepted by the district court and that  
were not objected to by the aforementioned party.

See *Douglas v. U.S.A.A.*, 79 F.3d 1415 (5th Cir. 1996) (en banc). Page 2 of 3  
THUS DONE AND SIGNED, in chambers, at Shreveport, Louisiana, on this 23<sup>rd</sup> day of February 2026. Mark L.  
Hornsby U.S. Magistrate Judge Page 3 of 3

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