

**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.

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 23rd day of February 2026. Mark L. Hornsby U.S. Magistrate Judge Page 3 of 3