

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
OHIO, WESTERN DIVISION

Keith Hayden v. Clermont County OH, Clerk of Courts

Hayden · No. 1:25-cv-00794 · Decided December 22, 2025

SUMMARY

The United States District Court for the Southern District of Ohio adopted the Magistrate Judge’s Report and Recommendation and dismissed Keith Hayden’s action with prejudice for want of prosecution under Federal Rule of Civil Procedure 41(b). The court found that Hayden failed to maintain a current address and did not timely object to the Report and Recommendation, and it denied leave to appeal in forma pauperis after certifying that an appeal would not be taken in good faith.

CASE DETAILS

COURT	United States District Court for the Southern District of Ohio, Western Division
WRITING FOR THE COURT	Michael R. Barrett
JURISDICTION	United States District Court for the Southern District of Ohio, Western Division
DECIDED	December 22, 2025
DOCKET	1:25-cv-00794
DISPOSITION	dismissed
PROCEDURAL POSTURE	The district court reviewed a magistrate judge's Report and Recommendation after no timely objections were filed and dismissed the action with prejudice for failure to prosecute.
STANDARD OF REVIEW	The district court considered the Report and Recommendation under 28 U.S.C. § 636(b)(1)(C); no objections were filed.
PRECEDENTIAL VALUE	Unpublished district court order; precedential status is unknown.
PARTIES	Keith Hayden v. Clermont County OH, Clerk of Courts

TOPICS

- civil procedure
- appellate procedure
- final judgment rule

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the district court should adopt the magistrate judge's Report and Recommendation when Plaintiff failed to file objections after notice was served at his last known address.
2. Whether Plaintiff's failure to maintain a current address constituted want of prosecution warranting dismissal with prejudice under Federal Rule of Civil Procedure 41(b).
3. Whether an appeal would be taken in good faith for purposes of 28 U.S.C. § 1915(a).

HOLDINGS

1. A pro se litigant's failure to keep the court apprised of a current address, resulting in failure to timely object to a properly mailed Report and Recommendation, demonstrates a lack of prosecution.
2. The action was dismissed with prejudice for want of prosecution under Federal Rule of Civil Procedure 41(b).
3. Leave to appeal in forma pauperis was denied because the Court certified that an appeal would not be taken in good faith.

KEY QUOTATIONS

“Accordingly, it is ORDERED that the Report and Recommendation of the Magistrate Judge is hereby ADOPTED, and this case is DISMISSED with prejudice for want of prosecution, pursuant to Fed. R. Civ. P. 41(b).” (at 1)

FACTUAL BACKGROUND

Plaintiff failed to keep the Court apprised of his current address. Notice of the magistrate judge's Report and Recommendation was mailed to Plaintiff but returned because of his incorrect address. Plaintiff filed no objections and thereby failed to prosecute the action.

PROCEDURAL HISTORY

The magistrate judge issued a Report and Recommendation on December 4, 2025. Notice was served on Plaintiff but returned because he had failed to provide the Court with his correct address. Plaintiff filed no objections, and the district court adopted the Report and Recommendation, dismissed the case with prejudice for want of prosecution, and denied leave to appeal in forma pauperis after certifying that an appeal would not be taken in good faith.

DISPOSITION

dismissed

CASES CITED

- United States v. Walters, 638 F.2d 947 (6th Cir. 1981)

- Theede v. United States Dep't of Labor, 172 F.3d 1262, 1265 (10th Cir. 1999)
- Jourdan v. Jabe, 951 F.2d 108, 109 (6th Cir. 1991)
- Barber v. Runyon, No. 93-6318, 1994 WL 163765, at *1 (6th Cir. May 2, 1994)

OPINION

UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF OHIO WESTERN DIVISION Keith Hayden, Case No. 1:25cv794 Plaintiff, Judge Michael R. Barrett v. Clermont County OH, Clerk of Courts, Defendant. ORDER This matter is before the Court on the Report and Recommendation filed by the Magistrate Judge on December 4, 2025. (Doc. 6). Proper notice has been given to the parties under 28 U.S.C. § 636(b)(1)(C), including notice that the parties would waive further appeal if they failed to file objections to the Report and Recommendation in a timely manner.

United States v. Walters, 638 F.2d 947 (6th Cir. 1981). The Court notes, however, that though such notice was served upon Plaintiff, it was returned to the Court due to Plaintiff's failure to apprise the Court of his correct address. No objections to the Magistrate Judge's Report and Recommendation have been filed. And by failing to keep the Court apprised of his current address, Plaintiff demonstrates a lack of prosecution of his action.

See, e.g., Theede v. United States Dep't of Labor, 172 F.3d 1262, 1265 (10th Cir. 1999) (Failure to object to a Magistrate Judge's Report and Recommendation due to delay resulting from party's failure to bring to the courts attention a change in address constitutes failure to object in a timely manner.

Because the Recommendation was mailed to the last known address, it was properly served, and party waived right to appellate review.); see also Jourdan v. Jabe, 951 F.2d 108, 109 (6th Cir. 1991) (A pro se litigant has an affirmative duty to diligently pursue the prosecution of his cause of action); Barber v. Runyon, No. 93-6318, 1994 WL 163765, at *1 (6th Cir.

May 2, 1994) (A pro se litigant has a duty to supply the court with notice of any and all changes in his address). Accordingly, it is ORDERED that the Report and Recommendation of the Magistrate Judge is hereby ADOPTED, and this case is DISMISSED with prejudice for want of prosecution, pursuant to Fed. R. Civ. P. 41(b).

The Court further CERTIFIES, pursuant to 28 U.S.C. § 1915(a), that for the foregoing reasons, an appeal of this order would not be taken in good faith and therefore denies plaintiff leave to appeal in forma pauperis. IT IS SO ORDERED. s/Michael R. Barrett Michael R. Barrett United States District Judge