

**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.

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