

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
COLUMBUS DIVISION

D.A.M.,	:	
	:	
Petitioner,	:	
	:	
v.	:	Case No. 4:25-cv-34-CDL-AGH
	:	28 U.S.C. § 2241
DEPARTMENT OF HOMELAND	:	
SECURITY,	:	
	:	
Respondent.	:	

RECOMMENDATION OF DISMISSAL

On January 24, 2025, the Court received a document from Petitioner (ECF No. 1) which the Clerk docketed as a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2241. Because the document failed to state a claim for relief, the Court ordered Petitioner to recast his petition within fourteen days. Order 2, Feb. 24, 2025, ECF No. 7. Petitioner was informed that failure to comply with the Court's order "may result in the dismissal of this action." *Id.* at 2-3. On March 17, 2025, the Court's order was returned as undeliverable with a notation that Petitioner was not located at the facility. Mail Returned, ECF No. 8. Petitioner did not file a recast petition.

On April 8, 2025, Petitioner was ordered to show cause within fourteen days why his Petition should not be dismissed for failure to comply and to prosecute. Order 1, ECF No. 9. Therein, Petitioner was warned that "[f]ailure to respond will likely result in the dismissal of this action." *Id.* The Order to Show Cause was also returned to the Court as undeliverable with a notation that Petitioner was no longer at the facility. *See* Mail Returned, ECF No. 10. The Court has no other address for Petitioner, and without

an address, this case cannot proceed. Further, Petitioner has not filed a recast petition or shown cause as to why his petition should not be dismissed. It is therefore recommended that this case be dismissed without prejudice. *See* Fed. R. Civ. P. 41(b) (allowing for involuntary dismissal for a plaintiff's failure to prosecute or comply with a court order).

Pursuant to 28 U.S.C. § 636(b)(1), Petitioner may serve and file written objections to this Recommendation, or seek an extension of time to file objections, within fourteen (14) days after being served with a copy hereof. Any objection should be no longer than TWENTY (20) PAGES in length. *See* M.D. Ga. L.R. 7.4. The district judge shall make a de novo determination of those portions of the Recommendation to which objection is made. All other portions of the Recommendation may be reviewed for clear error.

Petitioner is hereby notified that, pursuant to Eleventh Circuit Rule 3-1, “[a] party failing to object to a magistrate judge’s findings or recommendations contained in a report and recommendation in accordance with the provisions of 28 U.S.C. § 636(b)(1) waives the right to challenge on appeal the district court’s order based on unobjected-to factual and legal conclusions if the party was informed of the time period for objecting and the consequences on appeal for failing to object. In the absence of a proper objection, however, the court may review on appeal for plain error if necessary in the interests of justice.”

SO RECOMMENDED, this 8th day of May, 2025.

s/ Amelia G. Helmick
UNITED STATES MAGISTRATE JUDGE