

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
BEAUMONT DIVISION

LESFORD MARK REID §  
VS. § CIVIL ACTION NO. 1:23-CV-32  
BRYAN K. DOBBS, ET AL. §

ORDER ADOPTING THE MAGISTRATE  
JUDGE'S REPORT AND RECOMMENDATION

Plaintiff Lesford Mark Reid, a prisoner confined at the United States Penitentiary in Beaumont, Texas, proceeding *pro se*, filed this civil rights action pursuant to *Bivens v. Six Unknown Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971).

The Court referred this matter to the Honorable Zack Hawthorn, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this Court. On September 22, 2025, the magistrate judge recommended dismissing the action without prejudice for want of prosecution. To date, the parties have not filed objections to the report and recommendation.

The Court received and considered the Report and Recommendation of United States Magistrate Judge pursuant to such referral, along with the record, pleadings and all available evidence. After careful review, the Court finds that the findings of fact and conclusions of law of the United States Magistrate Judge are correct.

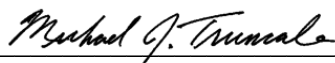
Because the statute of limitations would bar future litigation of Plaintiff's claims, a dismissal would act as a dismissal with prejudice. A dismissal with prejudice is appropriate only if there is a clear record of delay or contumacious conduct by the plaintiff, and if lesser sanctions would not

serve the interests of justice. *Coleman v. Sweetin*, 745 F.3d 756, 766 (5th Cir. 2014). In this case, Plaintiff has not exhibited a clear record of contumacious conduct, but his failure to update his address prevents the Court from contacting him. The Court has considered imposing lesser sanctions and found them inadequate to address the current situation. Because Plaintiff is proceeding *in forma pauperis*, the imposition of monetary sanctions is almost certainly futile. A dismissal is the only sanction available in this instance, but the Court will lessen the sanction by allowing Plaintiff to reopen the case by providing the Court with his current address within thirty days of the date the judgment is entered.

ORDER

Accordingly, the findings of fact and conclusions of law of the magistrate judge are correct, and the report of the magistrate judge [Dkt. 41] is ADOPTED. A final judgment will be entered in accordance with this memorandum order.

**SIGNED** this 28th day of October, 2025.

  
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Michael J. Truncala  
United States District Judge