

NOT RECOMMENDED FOR FULL-TEXT PUBLICATION

File Name: 07a0003n.06

Filed: January 4, 2007

No. 04-5514

**UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT**

JESSIE CONWAY,)
)
Plaintiff-Appellant,)
)
v.)
)
FAYETTE COUNTY GOVERNMENT, in its)
Entirety; FAYETTE COUNTY GOVERNMENT,)
Department of Corrections; GLEN BROWN, Jailer)
of the FCDC; OFFICER/SGT. SLAUGHTER,)
presumably of the FCDC; OFFICER BROWN,)
presumably of the FCDC; THE INMATE)
CANTEEN AND INMATE HOT CART,)
presumably of the FCDC; KELWELL FOOD)
SERVICE; OFFICE OF LEGAL AID; VERTNER)
L. TAYLOR, Commissioner of the Department)
of Corrections and/or his successor; DESI)
BROOKS, Jail Inspector,)
)
Defendants-Appellees.)

**ON APPEAL FROM THE
UNITED STATES DISTRICT
COURT FOR THE EASTERN
DISTRICT OF KENTUCKY**

**MEMORANDUM
OPINION**

BEFORE: MARTIN, NORRIS, and GIBBONS, Circuit Judges.

PER CURIAM. This appeal from an order of the district court dismissing plaintiff's complaint for failure to state a claim is before us in an unusual posture. Proceeding pro se, inmate Jessie Conway filed suit against several governmental entities and individuals involved in the criminal justice system of Fayette County, Kentucky. The complaint alleges that defendants violated a number of plaintiff's (and other inmates') constitutional rights. Pursuant to 28 U.S.C. § 1915A, the district court screened the complaint and dismissed it without prejudice before service was made

upon any of the defendants. Accordingly, only Mr. Conway is a party to this appeal.

During oral argument, appointed counsel informed the court that Mr. Conway is no longer in custody and that, despite the best efforts of his firm and the clerk of this court, efforts to locate him have been futile. Under the circumstances, we conclude that the appeal should be dismissed. Because the district court dismissed the complaint without prejudice, should plaintiff reappear, there appears to be nothing to prevent him from re-filing his complaint so long as he complies with the requisite statute of limitations.

The judgment is **affirmed**.