

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF KENTUCKY
AT LOUISVILLE
CIVIL ACTION NO. 3:09CV-P245-H**

BRENTON WOMBLES

PLAINTIFF

v.

KENTUCKY STATE REFORMATORY *et al.*

DEFENDANTS

MEMORANDUM OPINION

The Court entered an Order on May 12, 2010, directing Plaintiff Brenton Wombles to show cause within 30 days why this action should not be dismissed for failure to prosecute. The mailing of that Order was returned by the United States Postal Service marked, “Return to Sender; Attempted – Not Known; Unable to Forward.”

Upon filing the instant action, Plaintiff assumed the responsibility of keeping this Court advised of his current address and to actively litigate his claims. *See* LR 5.2(d) (“All pro se litigants must provide written notice of a change of address to the clerk and to the opposing party or the opposing party’s counsel. Failure to notify the Clerk of an address change may result in the dismissal of the litigant’s case or other appropriate sanctions.”). Moreover, the Scheduling Order entered on November 9, 2009, also required Plaintiff to provide written notice of a change of address to the Clerk and to Defendants’ counsel. The Scheduling Order also warned Plaintiff that failure to notify the Clerk of any address change may result in a dismissal of this case.

Although Plaintiff filed a notice of change of address on December 14, 2009, Plaintiff has not advised the Court of a change of address since then, and neither notices from this Court nor filings by Defendants in this action can be served on Plaintiff. In such situations, courts have an inherent power “acting on their own initiative, to clear their calendars of cases that have

remained dormant because of the inaction or dilatoriness of the parties seeking relief.” *Link v. Wabash R.R. Co.*, 370 U.S. 626, 630 (1962). Because it appears to this Court that Plaintiff has abandoned any interest in prosecution of this case, the Court will dismiss the case by separate order.

Date:

cc: Plaintiff, *pro se*
Counsel of record
4412.010