

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF KENTUCKY
AT PADUCAH**

CHRISTOPHER MARK JOHNSON

PLAINTIFF

v.

CIVIL ACTION NO. 5:16-CV-P39-TBR

ALAN MANUEL *et. al.*

DEFENDANTS

MEMORANDUM OPINION

On March 21, 2016, Plaintiff Christopher Mark Johnson, who is proceeding *pro se*, filed this 42 U.S.C. § 1983 action against Defendants. Upon filing the instant action, Plaintiff assumed the responsibility to keep this Court advised of his current address and to actively litigate his claims. *See* Local Rule 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.”)

On July 26, 2016, the Clerk of Court issued a notice of deficiency in which it noted that Plaintiff had failed to either pay the \$400.00 filing fee or file a prisoner application to proceed without prepayment of fees (DN 3). The notice further stated that Plaintiff had 30 days to cure this deficiency. On September 1, 2016, the notice was returned to the Court in an envelope marked “RETURN TO SENDER NOT DELIVERABLE AS ADDRESSED UNABLE TO FORWARD” (DN 4).

Rule 41(b) of the Federal Rules of Civil Procedure authorizes the involuntary dismissal of an action if a plaintiff fails to prosecute or to comply with an order of the court. *See Jourdan v. Jabe*, 951 F.2d 108, 109 (6th Cir. 1991) (“Fed. R. Civ. P. 41(b) recognizes the power of the district court to enter a *sua sponte* order of dismissal.”) “Further, the United States Supreme

Court has recognized that courts have an inherent power to manage their own affairs and may dismiss a case *sua sponte* for lack of prosecution.” *Lyons-Bey v. Pennell*, 93 F. App’x 732, 733 (6th Cir. 2004) (citing *Link v. Wabash R.R. Co.*, 370 U.S. 626, 630-31 (1962)).

Because Plaintiff has failed to file a notice of change of address, the Court concludes that he has abandoned any interest in prosecuting this case, and the Court will dismiss the action by separate Order.

Date:

cc: Plaintiff, *pro se*
4414.011