

UNITED STATES OF AMERICA
UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

MICHAEL JOHN MODENA,

Plaintiff,

Case No. 1:09-cv-720

v.

Honorable Robert J. Jonker

RICHARD MILLER et al.,

Defendants.

MEMORANDUM OPINION

This is a civil rights action brought by a state prisoner under 42 U.S.C. § 1983. On August 12, 2009, the Court entered an order of deficiency (docket #2) because Plaintiff had failed to pay the \$350.00 civil action filing fee or to file any of the documents required by 28 U.S.C. § 1915(a)(2) to apply to proceed *in forma pauperis*. The Court allowed thirty days for Plaintiff to comply. Plaintiff was warned that if he failed to comply, the Court would presume that he was not proceeding *in forma pauperis*, assess the entire filing fee, and dismiss his case for want of prosecution. More than thirty days have elapsed since the Court issued its deficiency order, and Plaintiff has failed to pay the \$350.00 civil action filing fee or to submit the requisite documents to apply to proceed *in forma pauperis*.

The Court's deficiency order was mailed on August 12, 2009 and addressed to Plaintiff at the address he provided in his complaint, the Newaygo County Jail. On August 26, 2009, the mail was returned to the Court marked "inmate not here; no forwarding address." (Docket #3.) Since that time, Plaintiff still has not advised the Court of his new address. Plaintiff's failure to

advise this Court of his current address is grounds for dismissal for want of prosecution. W.D. MICH. LCIVR 41.1. Moreover, Plaintiff has wholly failed to either pay the filing fee or apply to proceed *in forma pauperis*. For both reasons, this Court will issue a judgment dismissing the case without prejudice for lack of prosecution.

Dated: September 25, 2009

/s/ Robert J. Jonker
ROBERT J. JONKER
UNITED STATES DISTRICT JUDGE