

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT WINCHESTER

JOSEPH MOODY,

Plaintiff,

v.

BEDFORD COUNTY,

Defendant.

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No.: 4:14-CV-072-SKL

MEMORANDUM OPINION

This is a pro se prisoner's complaint for violation of 42 U.S.C. § 1983. On November 21, 2016, the Court entered a scheduling order and an order governing depositions [Docs. 18 and 19]. When the Clerk mailed those orders to Plaintiff, the mail was returned as undeliverable with the envelope marked "Moved, left no address" and a handwritten note indicating that Plaintiff has been paroled [Doc. 20 at Page ID # 75]. It is therefore clear that Plaintiff has failed to provide the Court with notice of his correct address and, without his correct and current address, neither the Court nor Defendant can communicate with him regarding his case. The Court previously ordered Plaintiff to inform the Court and Defendant or counsel of record of any address changes immediately and warned Plaintiff that failure to provide a correct address within ten days may result in the dismissal of this action [Doc. 7 at Page ID # 43].

Accordingly, this action will be **DISMISSED** for failure to comply with orders of the Court and for want of prosecution. Fed. R. Civ. P. 41(b); *Link v. Wabash R. Co.*, 370 U.S. 626, 630-31 (1962) (recognizing court's authority to dismiss a case *sua sponte* for lack of prosecution); *White v. City of Grand Rapids*, No. 01-229234, 34 F. App'x 210, 211, 2002 WL 926998, at *1 (6th Cir. May 7, 2002) (finding that pro se prisoner's complaint "was subject to

dismissal for want of prosecution because he failed to keep the district court apprised of his current address”); *Jourdan v. Jabe*, 951 F.2d 108 (6th Cir. 1991).

The Court **CERTIFIES** that any appeal from this action would not be taken in good faith and would be totally frivolous. *See* Rule 24 of the Federal Rules of Appellate Procedure.

AN APPROPRIATE ORDER WILL ENTER.

ENTER :

s/ Susan K. Lee

SUSAN K. LEE
UNITED STATES MAGISTRATE JUDGE