

CLERK'S OFFICE U.S. DIST. COURT
AT ROANOKE, VA
FILED

April 12, 2024

LAURA A. AUSTIN, CLERK

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA^{BY:}
ROANOKE DIVISION**

/s/T. Taylor
DEPUTY CLERK

TRACY PENN,

Plaintiff,

v.

**HENRY COUNTY ADULT DETENTION
CENTER,**

Defendants.

Case No. 7:23CV00783

OPINION

JUDGE JAMES P. JONES

Tracy Penn, Pro Se Plaintiff.

The plaintiff, Tracy Penn, proceeding pro se, filed this civil rights action pursuant to 42 U.S.C. § 1983, alleging that local jail officials failed to respond to his requests for medical treatment. The court entered an Order conditionally filing the case and directing Penn to return his executed consent to pay the filing costs for the case through withholding from his trust account. The Order also warned Penn that failure to notify the Court of a change in his mailing address would result in dismissal of the case without prejudice. Penn returned his executed consent form.

By Order dated March 25, 2024, the Court notified Penn that his Complaint was factually deficient but granted him an opportunity to file an Amended Complaint to correct the noted deficiencies. The copy of this Order that the court mailed to Penn at the address he provided was returned to the court as

undeliverable. The returned envelope indicated that authorities were unable to forward the mailing. It is self-evident that the court must have a viable address by which to communicate reliably with Penn about this case. Moreover, the Court's prior Order to which Penn responded warned him of dismissal if he failed to update his mailing address.

Based on Penn's failure to provide the court with a current mailing address, I conclude that he is no longer interested in pursuing this civil action. Therefore, I will dismiss the action without prejudice for failure to prosecute.

An appropriate Order will issue herewith.

DATED: April 12, 2024

/s/ JAMES P. JONES
Senior United States District Judge