

1 **WO**

2

3

4

5

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

6

7

8

Andrew James Wilson,

)

No. CV-10-1330-PHX-FJM

9

Plaintiff,

)

ORDER

10

vs.

)

11

Joseph M. Arpaio, et al.,

)

12

Defendant.

)

13

14

15

The court has before it the Report and Recommendation of the United States Magistrate Judge recommending that this action be dismissed for failure to prosecute (doc. 8). Plaintiff has not objected.

16

17

18

19

While incarcerated at the Maricopa County Tent City Jail, plaintiff filed a complaint against Maricopa County Sheriff Joseph Arpaio, alleging the conditions of his confinement were unconstitutional (doc. 1). On July 2, 2010, we ordered plaintiff to complete and return a service packet within 21 days (doc. 5). That order was returned as undeliverable because plaintiff had been released (doc. 7). Plaintiff has not completed the service packet or notified the court of a change in mailing address.

20

21

22

23

24

25

We agree with the Magistrate Judge that plaintiff's failure to prosecute his case warrants dismissal. See Fed. R. Civ. P. 41(b); Link v. Wabash R. Co., 370 U.S. 626, 629, 82 S.Ct. 1386, 1388 (1962) (court has authority to dismiss *sua sponte* for lack of prosecution). The filing instructions that accompany the complaint form provided to plaintiff

26

27

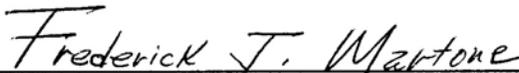
28

1 state, "Failure to notify the Court of any change in your mailing address may result in the
2 dismissal of your case." Plaintiff ignored these instructions, and his failure to update his
3 contact information renders lesser sanctions unavailable, as the court has no way to contact
4 plaintiff.

5 Therefore, **IT IS ORDERED DISMISSING** Wilson v. Arpaio, No. CV-10-1330-
6 PHX-FJM, without prejudice (doc. 1).

7 DATED this 8th day of March, 2011.

8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28



Frederick J. Martone
United States District Judge