

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
EASTERN DIVISION

KENT PETER DARLING

PETITIONER

vs.

2:08CV00165 WRW

T. C. OUTLAW, Warden,
FCI, Forrest City, Arkansas

RESPONDENT

ORDER

On October 10, 2008, the court entered an Order informing Petitioner of his opportunity to reply to the Response to his petition (DE #5). Petitioner did not reply. On November 24, 2008, the court entered an Order informing him that, if he did not reply to the Response, or inform the court that he did not wish to reply, the court would presume he was no longer interested in pursuing this matter and his petition would be subject to dismissal without prejudice for failure to prosecute under Local Rule 5.5(c)(2) (DE #7). That Order was sent to Petitioner's last known address, but it was returned, marked "Return to Sender Not Deliverable as Addressed Unable to Forward" (DE #9).

Rule 5.5(c)(2) of the Rules of the United States District Courts for the Eastern and Western Districts of Arkansas, referring to parties appearing pro se, states:

(2) Parties appearing pro se. It is the duty of any party not represented by counsel to promptly notify the Clerk and the other parties to the proceedings of any change in his or her address, to monitor the progress of the case, and to prosecute or defend the action diligently.... If

any communication from the Court to a pro se plaintiff is not responded to within thirty (30) days, the case may be dismissed without prejudice....

Petitioner failed to reply to the court's Order of October 10, 2008, and he has failed to provide the court with a current address, making it impossible to communicate with him. It appears he is no longer interested in pursuing this matter.

IT IS THEREFORE ORDERED that this petition be, and it is hereby, dismissed without prejudice.

SO ORDERED this 23rd day of December, 2008.

/s/Wm. R. Wilson, Jr.
UNITED STATES DISTRICT JUDGE