

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

TYSON ELVIN CUNDIFF,  
ADC #550660

PLAINTIFF

v.

4:10-cv-01542-DPM-JTK

MICHAEL PATTON, et al.

DEFENDANTS

**ORDER**

This matter is before the Court on Defendants' Motion to Dismiss, or in the alternative, for an extension of time in which to file witness and exhibit lists (Doc. No. 27).

In support of their Motion, Defendants state Plaintiff has not filed responses to their discovery requests, and that the most recent correspondence mailed to Plaintiff was returned to Sender (Doc. Nos. 25, 26). Defendants state they contacted the Arkansas Department of Correction, where Plaintiff had been incarcerated, and were told that Plaintiff has been in Sedgewick, Kansas since early February, 2011, in another court, and that the ADC is unaware of his exact current location (Doc. No. 26).

Pursuant to Local Rule 5.5(c)(2), a pro se plaintiff must promptly notify the Clerk of the Court and other parties of any change in his address, and must monitor the progress of the case and prosecute it diligently. Furthermore, the Local Rule provides for the dismissal without prejudice of any action in which communication from the Court to a pro se plaintiff is not responded to within thirty days.

Plaintiff has not filed anything with the Court in this case since November 22, 2010 (Doc. No. 10). This case is currently set for an Evidentiary Hearing on August 11, 2011. In light of Defendants' Motion and the fact that Plaintiff's present location is unknown, the Court finds that

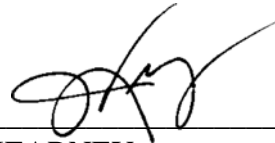
the Hearing should be continued and Plaintiff be directed to respond to Defendants' Motion. Although Plaintiff has apparently changed his address, this Order will be sent to his last-known address. Accordingly,

IT IS, THEREFORE, ORDERED that Plaintiff shall notify this Court of his current address and his intent to continue prosecution with this action, pro se, within thirty days of the date of this Order. Failure to comply with this Order shall result in the dismissal without prejudice of Plaintiff's Complaint.

IT IS FURTHER ORDERED that the August 11, 2011 Evidentiary Hearing in this matter is CONTINUED.

The Clerk is directed to forward a copy of this Order to the Arkansas Department of Correction Central Transportation/Medical Services, 7203 West 7th Street, Pine Bluff, AR 71603.

IT IS SO ORDERED this 13<sup>th</sup> day of July, 2011.



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JEROME T. KEARNEY  
UNITED STATES MAGISTRATE JUDGE