

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

TYSON E. CUNDIFF,
ADC #550660

PLAINTIFF

v.

Case No. 4:10-cv-1542-DPM-JTK

MICHAEL PATTON, Correctional
Officer, Pope County Jail

DEFENDANT

ORDER


Cundiff's case is dismissed for failing to respond to the Court and failing to update his mailing address. On 13 July 2011, this Court directed Cundiff to notify the Court of his current address and his intent to further prosecute this action within thirty days. *Document No. 29*. The Clerk sent this Order to Cundiff, but the mail was returned undeliverable. *Document Nos. 30 & 32*. Cundiff has neither responded nor notified the Court of his new address. Cundiff has, in fact, not communicated with this Court since November 2010. *Document No. 10*

Local Rule 5.5(c)(2) of the United States District Courts for the Eastern and Western Districts of Arkansas provides:

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. . . .

In light of Cundiff's failure to respond to this Court's July 13th Order, Patton's motion, *Document No. 27*, is granted. Cundiff's case is dismissed without prejudice.

So Ordered.



D.P. Marshall Jr.
United States District Judge

1 September 2011