

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

LUIS ESTUARDO ESCOBAR,  
ADC # 117679

PLAINTIFF

v.

4:12CV00023-JJV

J. CROSS, Corporal, Wrightsville Unit,  
Arkansas Department of Correction; *et al.*

DEFENDANTS

**MEMORANDUM AND ORDER**

While an inmate in the Arkansas Department of Correction's Ouachita River Unit, Plaintiff filed a *pro se* Complaint (Doc. No. 2) pursuant to 42 U.S. C. § 1983, alleging the Defendants violated his constitutional rights. Defendants filed a Motion to Dismiss due to Plaintiff's failure to comply with Rule 5.5 of the Local Rules of Court. (Doc. No. 18.)

**I. ANALYSIS**

An action may be dismissed pursuant to Rule 41(b), if the plaintiff fails to prosecute, or to comply with the Federal Rules of Civil Procedure or any order of the Court. *See Aziz v. Wright*, 34 F.3d 587, 589 (8th Cir. 1994); *Haley v. Kansas City Star*, 761 F.2d 489, 490 (8th Cir. 1985). FED. R. CIV. P. 41(b).

Defendants submitted evidence that Plaintiff was deported to Guatemala by the United States Department of Homeland Security-Immigration and Customs Enforcement on November 21, 2012. (Doc. No. 18-1.) Plaintiff failed to notify the Clerk of the Court and the other parties to this action of the change in his address. Defendants also assert that as a result of Plaintiff's deportation, they are unable to engage in meaningful discovery. (Doc.

No. 19.)

*Pro se* litigants are required to follow the same rules of procedure, including the local court rules, that govern other litigants. *Settemire v. Watson*, 877 F.2d 12, 14 (8th Cir. 1989). Local Rule 5.5(c)(2) requires a *pro se* plaintiff to “promptly” notify the Clerk of any change in his or her address. Plaintiff has failed to comply with the Local Rules of the Court and his Complaint (Doc. No. 2) is, therefore, DISMISSED without prejudice.

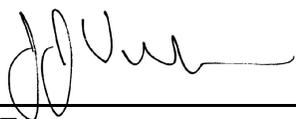
### III. CONCLUSION

IT IS, THEREFORE, ORDERED THAT:

1. Defendants’ Motion to Dismiss (Doc. No. 18) is GRANTED and Plaintiff’s Complaint (Doc. No. 2) is DISMISSED without prejudice.

2. The Court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that an *in forma pauperis* appeal from this Order and the accompanying Judgment would not be taken in good faith.

DATED this 27th day of February, 2013.

  
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JOE J. VOLPE  
UNITED STATES MAGISTRATE JUDGE