

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

ANTONIO JOHNSON

PLAINTIFF

v.

No: 4:17-cv-00029 PSH

RICKY ROSS

DEFENDANT

ORDER

Plaintiff Antonio Johnson filed a *pro se* complaint pursuant to 42 U.S.C. § 1983 on January 17, 2017 (Doc. No. 2). Mail sent to Johnson by the Court was returned as undeliverable, and the envelope was entered on the docket. *See* Doc. No. 20. On October 10, 2017, the Court entered a text order notifying Johnson that the mail could not be delivered to him because he was no longer at the address he provided. *See* Doc. No. 21. Johnson was directed to provide notice of his current mailing address by no later than thirty days from the entry of the October 10, 2017 text order. He was warned that his failure to provide a current mailing address would cause the undersigned to recommend his complaint be dismissed. A printed version of the text order was sent to him at his last known address. The envelope containing the text order could not be delivered to Johnson because he was no longer at the address he provided, and the envelope was returned to the Clerk of the Court and entered on the docket. *See* Doc. No. 22.

More than 30 days have passed, and Johnson has not complied or otherwise responded to the October 10 order. Johnson also failed to notify the Clerk and the other parties to the proceedings of a change in his address as required by Local Rule 5.5(c)(2). Accordingly, the Court finds that this action should be dismissed without prejudice for failure to comply with Local Rule

5.5(c)(2) and failure to respond to the Court's orders. *See Miller v. Benson*, 51 F.3d 166, 168 (8th Cir. 1995) (district courts have inherent power to dismiss *sua sponte* a case for failure to prosecute, and exercise of that power is reviewed for abuse of discretion).

IT IS THEREFORE ORDERED THAT Johnson's complaint (Doc. No. 2) is DISMISSED WITHOUT PREJUDICE. Further, Defendant's pending motion for summary judgment (Doc. No. 15) is DENIED as MOOT.

SO ORDERED this 20th day of November, 2017.



UNITED STATES MAGISTRATE JUDGE