

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

**TOMMY AVANCE  
# 24-355**

**PLAINTIFF**

v.

**Case No. 4:24-CV-00965-JM-JTK**

**DARELL ELKINS, et al.**

**DEFENDANTS**

**ORDER**

Tommy Avance (“Plaintiff”) has not responded to the Court’s November 18, 2024, Order directing him to file an Amended Complaint within 30 days. (Doc. No. 4). The Court warned Plaintiff that his failure to do so would result in the dismissal of his Complaint without prejudice. (*Id.*). And mail sent to Plaintiff at his address of record is being returned as undeliverable. (Doc. No. 5, 6).

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

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. . . .

Because Plaintiff has failed to respond, his Complaint is DISMISSED without prejudice for failure to prosecute. The Court certifies that an *in forma pauperis* appeal is considered frivolous and not in good faith.

IT IS SO ORDERED this 6th day of January, 2025.

  
UNITED STATES DISTRICT JUDGE