

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
PINE BLUFF DIVISION**

**WILLIE A. HEARD, JR,
REG #22225-009**

PLAINTIFF

v.

5:12-cv-418-DPM-JTR

**BOLDEN, Chief,
TYLER, Major, and
ADAMA, Captain,
Brassell Detention Center**

DEFENDANTS

ORDER

Heard has filed this *pro se* § 1983 action alleging that Defendants violated his constitutional rights. When he filed, Heard was a pretrial detainee in the Brassell Detention Center. Sometime thereafter, he was released from custody but he did not leave a forwarding address. *Document Nos. 5, 6, and 7.*

Heard has therefore not received the 21 November 2012 Order that struck his original complaint from the record and directed him to file a substituted complaint. *Document No. 3.*

Local Rule 5.5(c)(2) provides that:

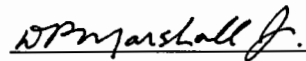
It is the duty of any party not represented by counsel to promptly notify the Clerk and the other parties to the proceedings of any

change in his or her address, to monitor the progress of the case, and to prosecute or defend the action diligently. A party appearing for himself/herself shall sign his/her pleadings and state his/her address, zip code, and telephone number. *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.* Any party proceeding *pro se* shall be expected to be familiar with and follow the Federal Rules of Civil Procedure.

(emphasis added).

This case cannot remain open if the Court and Defendants cannot get in touch with Heard. Further, as it now stands, there is not a valid complaint of record. This case is therefore dismissed without prejudice pursuant to Local Rule 5.5(c)(2). An *in forma pauperis* appeal would not be taken in good faith. 28 U.S.C. § 1915(a)(3).

So Ordered.



D.P. Marshall Jr.
United States District Judge

10 January 2013