

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
FORT SMITH DIVISION

JOSEPH LINDSEY

PLAINTIFF

v.

Civil No. 2:13-cv-02192

SHERIFF WILLIAM HOLLENBECK,
Sebastian County, Arkansas; JAIL
ADMINISTRATOR JOHN DEVANE;
MEDICAL ADMINISTRATOR PAM CARNELL;
ASST. MEDICAL ADMINISTRATOR KATHY
JONES; DIRECTOR of INMATE MANAGEMENT
JOHN MILLER; and DIRECTOR OF NURSES
CINDY MOORE

DEFENDANTS

OPINION AND ORDER

Plaintiff filed this civil rights action pursuant to 42 U.S.C. § 1983. Initially, Plaintiff was proceeding *pro se* and *in forma pauperis*. At a later stage in the litigation, Plaintiff was appointed counsel pursuant to 28 U.S.C. § 1915. Plaintiff's counsel was allowed to withdraw and thereafter Plaintiff proceeded *pro se*.

When he filed this action, Plaintiff was specifically advised (ECF No. 3) that he had the obligation to keep the Court apprised of a valid current address and that failure to do so would result in the dismissal of the case. He was told he must **immediately** advise the Court of any changes in his address. Additionally, Rule 5.5(2) of the Local Rules for the Eastern and Western Districts of Arkansas advises parties appearing *pro se* that it is their duty 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."

On March 31, 2017, this case was dismissed based on Plaintiff's failure to keep the Court informed of his current address (ECF Nos. 100-101). Plaintiff's motion to reopen was denied and Plaintiff successfully appealed the dismissal. Pursuant to the mandate of the Court of Appeals for

the Eighth Circuit, the case was reopened on April 23, 2018. The case was then scheduled for a jury trial (ECF No. 117).

On May 10, 2018, the order reopening the case was returned as undeliverable with a notation that Plaintiff had been paroled. On May 23, 2018, the order scheduling the case for jury trial was returned as undeliverable. No new address is available. More than thirty days has elapsed since the first mail was returned as undeliverable. Plaintiff has had sufficient time to notify the Court of his new address and has not done so.

Therefore, this case is **DISMISSED WITHOUT PREJUDICE** based on the Plaintiff's failure to comply with the orders of the Court and his failure to prosecute the case. Fed. R. Civ. P. 41(b).

IT IS SO ORDERED this 15th day of June 2018.

Handwritten signature of P. K. Holmes, III in cursive script.

P. K. HOLMES, III
CHIEF U.S. DISTRICT JUDGE