

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

DAVID WAYNE MILES, JR.

PLAINTIFF

v.

Civil No. 2:17-cv-02215

Civil No. 2:17-cv-02218

SHERIFF LARRY JONES; CAPTAIN
GREG DONALDSON; LIEUTENANT
KENNY SMITH; JOHN OR JANE DOE
MEDICAL STAFF

DEFENDANTS

OPINION AND ORDER

These two consolidated civil rights cases were filed by the Plaintiff under the provisions of 42 U.S.C. § 1983. Plaintiff proceeds *in forma pauperis* and *pro se*. At the times at issue in this case, Plaintiff was incarcerated in the Johnson County Detention Center.

On December 6, 2017 (ECF No. 6), Plaintiff notified the Court of a change of address to the Arkansas County Jail. On March 14, 2018, mail sent by the Court to the Plaintiff at the Arkansas County Jail was returned as undeliverable. When filing this case, Plaintiff was specifically advised that he was required to immediately inform the Court of any changes in his address. The Order stated:

Plaintiff is advised that he is required to immediately inform the Court of any change of address. **If Plaintiff is transferred to another jail or prison or released, he shall have 30 days from the date of transfer or release in which to notify the Court of his new address.** Plaintiff shall submit a change of address on a separate piece of paper entitled "Notice to the Court of Change of Address" and not include any motions or otherwise request relief in this document. The notice shall contain only information pertaining to the address change. **Failure to inform the Court of an address change shall subject this case to dismissal.**

(EFC No. 3)(emphasis in original). Rule 5.5 (c)(2) of the Local Rules for the Eastern and Western Districts of Arkansas also requires a *pro se* party to keep the Court and opposing counsel informed of his current address.

More than thirty (30) days have passed since mail sent to Plaintiff was returned as undeliverable and to date, no new address for Plaintiff has been provided to the Court. Plaintiff has not filed anything with the Court since January 2, 2018.

On March 21, 2018, Defendants filed a Motion to Dismiss (ECF No. 16). Defendants state they have been unable to effect service of their correspondence and discovery requests upon the Plaintiff. Additionally, Defendants note that Plaintiff is not in compliance with Local Rule 5.5(c)(2). Plaintiff has not responded to the Motion to Dismiss.

Therefore, the Defendants' Motion to Dismiss (ECF No. 16) is **GRANTED and this case is DISMISSED WITHOUT PREJUDICE** for failure to prosecute this action and failure to obey the orders of the Court. Fed. R. Civ. P. 41(b).

IT IS SO ORDERED this 18th day of April 2018.



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