

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
FORT SMITH DIVISION

ALEX KEARNELL BLACKWELL

PLAINTIFF

v.

No. 2:20-CV-02174

KEVIN BOLIN, et al.

DEFENDANTS

OPINION AND ORDER

On March 3, 2021, the Court entered an order (Doc. 9) directing Plaintiff to show cause why his complaint should not be dismissed without prejudice for failure to prosecute and failure to obey Court orders. The deadline to respond was March 12, 2021, and no response was filed.

The Court previously dismissed this action for failure to prosecute because Plaintiff failed to keep current the address on file in the Clerk's office. The Court vacated that order, reminded Plaintiff of his obligation to comply with Court rules and orders, and then permitted him to proceed in forma pauperis. The order granting leave to proceed in forma pauperis also directed Plaintiff to use the form complaint provided by this Court to prisoners who bring pro se civil actions because that complaint helps clarify which claims are brought against which party. The copy of that order mailed to Plaintiff was returned undeliverable, and the returned mail indicated that Plaintiff had again moved and left no forwarding address. Plaintiff has twice failed to update his address with the Clerk and has refused to respond to either the order allowing him to proceed in forma pauperis or the Court's order to show cause. If this conduct does not yet rise to the level of a pattern of deliberate disregard of Court orders, it approaches that level. Nevertheless, because "a dismissal with prejudice is a drastic remedy," and in light of the posture of this case, a nonprejudicial dismissal is the more measured consequence for Plaintiff's disregard. *Burgs v. Sissel*, 745 F.2d 526, 528 (8th Cir. 1984).

IT IS THEREFORE ORDERED that this case is DISMISSED WITHOUT PREJUDICE.

Judgement will be entered separately.

IT IS SO ORDERED this 15th day of March, 2021.

/s/ P. K. Holmes, III

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