

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
HARRISON DIVISION

LEVI VAUGHN WOLFFEN WISE

PLAINTIFF

v.

Civil No. 3:16-cv-03115

SHERIFF MIKE MOORE, Boone County,
Arkansas; JAIL ADMINISTRATOR JASON
DAY; and SERGEANT DECKER

DEFENDANTS

OPINION AND ORDER

This is a civil rights case 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 Boone County Detention Center.

Mail sent by the Court to the Plaintiff at the Boone County Detention Center has been returned as undeliverable (Doc. 11) with a notation that he is no longer at that facility. On December 1, 2016, Court staff obtained the home address Plaintiff provided the detention center when he was booked in and a change of address was entered for him. Plaintiff was directed to provide the Court with a phone number by December 16, 2016. Mail was returned undeliverable from this address on December 6, 2016 (Docs. 13 & 14) and December 12, 2016 (Doc. 17).

On December 29, 2016, Defendants filed a motion to dismiss (Doc. 18). They alleged these were unable to effect service of correspondence and discovery requests upon the Plaintiff.

When he filed this case, Plaintiff was specifically advised (Doc. 6) that he was required to immediately inform the Court of any changes in his address. 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.

On February 9, 2017, the Court, based on the research of staff, entered a change of address for the Plaintiff. On February 10, 2017, a show cause order (Doc. 21) was entered. Plaintiff was given until February 27, 2017, to show cause why this case should not be dismissed due to his failure to prosecute this action and his failure to obey the order of the Court.

The show cause order was not returned as undeliverable. Plaintiff has not responded to the show cause order. Plaintiff has not sought an extension of time to respond. On April 19, 2017, Defendants filed a second motion to dismiss (Doc. 22) based on Plaintiff's failure to respond to their first motion to dismiss (Doc. 18) and his failure to respond to the show cause order (Doc. 21).

For these reasons, **the Motions to Dismiss (Docs. 18 & 22) are GRANTED and the case 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 27th day of April, 2017.



TIMOTHY L. BROOKS
UNITED STATES DISTRICT JUDGE