

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

CURTIS RAY GRAHAM

PLAINTIFF

v.

Civil No. 08-5261

SHERIFF KEITH FERGUSON;  
CAPTAIN HUNTER PETRAY;  
DR. HUSKINS; and  
CORPORAL LOCKHART

DEFENDANTS

**MEMORANDUM OPINION**

Curtis Ray Graham filed this civil rights action pursuant to the provisions of 42 U.S.C. § 1983. He proceeds *pro se* and *in forma pauperis*.

When he filed this action, Graham was incarcerated at the Benton County Detention Center. Subsequently, he was released and provided the court with a change of address. On March 19, 2009, a change of address was entered on his behalf (Doc. 7).

All mail sent to Graham at the address he provided has been returned as undeliverable. *See Docket Entry (4/20/09)*. On April 22, 2009, defendants filed a motion to dismiss (Doc. 17) this action pursuant to Rule 5.5(c)(2) of the Local Rules of the Eastern and Western Districts of Arkansas based on Graham's failure to keep the court or defendants informed of his current address. Defendants state they have been unable to serve Graham with their answer.

I find this action should be dismissed based on the failure of the plaintiff to prosecute this action and his failure to keep the court informed of his current address. Fed. R. Civ. P. 41(b); Local Rule 5.5(c). A separate order in accordance with this opinion will be entered.

DATED this 30th day of April 2009.

*/s/ J. Marschewski*

HON. JAMES R. MARSCHEWSKI  
UNITED STATES MAGISTRATE JUDGE