

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

**RICHARD GARRIOTT**

**PLAINTIFF**

**V.**

**CASE NO. 5:14-CV-05251**

**SHERIFF TIM HELDER**

**DEFENDANT**

**OPINION AND ORDER**

This is a civil rights case filed by the Plaintiff Richard Garriott under the provisions of 42 U.S.C. § 1983. Plaintiff proceeds *pro se* and *in forma pauperis*.

When he filed this case, Plaintiff was incarcerated in the Washington County Detention Center (WCDC). When he filed the case, Plaintiff was advised (Doc. 3) that he must immediately inform the Court of any changes in his address.

On January 22, 2015, mail was returned from the WCDC with the notation that Plaintiff was no longer at that facility. The Plaintiff did not notify the Court of his change in address. Court personnel conducted a search for Plaintiff's address and determined he was incarcerated in the Grimes Unit of the Arkansas Department of Correction. A change of address (Doc. 6) was entered on his behalf.

On December 7, 2015, mail was returned from the Grimes Unit with a notation the Plaintiff had been paroled. Once again, Plaintiff failed to inform the Court of his change of address. Court personnel located the Plaintiff's home address from his booking records and a change of address (Doc. 23) was entered on his behalf.

On December 14, 2015, mail was returned from the home address as undeliverable. Plaintiff has not informed the Court of his change of address. On December 15, 2015, a

show cause order (Doc. 25) was entered giving Plaintiff until January 13, 2016, to show cause why this case should not be dismissed based on his failure to obey the order of the Court.

Defendant has filed two motions to dismiss (Docs. 27 & 29). The first motion (Doc. 27) asks that the case be dismissed based on the Plaintiff's failure to respond to the show cause order. The second motion (Doc. 29) is based on the Plaintiff's failure to comply with Rule 5.5(c)(2) of the Local Rules for the Eastern and Western Districts of Arkansas requiring Plaintiff to respond to any communication of the Court within thirty days.

The Motions to Dismiss (Docs. 27 & 29) are granted. This case is **DISMISSED WITH PREJUDICE** based on the Plaintiff's failure to comply with the orders of this Court, Rule 41(b) of the Federal Rules of Civil Procedure, and his failure to comply with Rule 5.5(c)(2) of the Local Rules for the Eastern and Western Districts of Arkansas. All other pending motions are **DENIED AS MOOT**. Judgment will enter contemporaneously with this Order.

IT IS SO ORDERED on this 29<sup>th</sup> day of February, 2016.



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TIMOTHY L. BROOKS  
UNITED STATES DISTRICT JUDGE