

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

JUSTIN CORZINE

PLAINTIFF

v.

Civil No. 5:17-cv-05077

**LIEUTENANT R. HOLT; DEPUTY
TAYLOR; DEPUTY KENSINGER;
DEPUTY STERLING; DEPUTY KELL;
and DEPUTY CARTER**

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*. When he filed this case, Plaintiff was incarcerated in the Benton County Detention Center (BCDC). Plaintiff was specifically advised that he had the obligation to immediately notify the Court of any change in his address. (ECF No. 3). 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 September 11, 2017, Plaintiff wrote to notify the Court that his address had changed to the McDonald County Jail in Pineville, Missouri. (ECF No. 10). This is the last communication the Court has had from the Plaintiff.

On October 4, 2017, the Court was notified by the McDonald County Sheriff that the Plaintiff had been released from the McDonald County Jail. (ECF No. 18). On October 20, 2017, mail sent to the Plaintiff at the McDonald County Jail was returned as undeliverable. (ECF No. 20). To date, Plaintiff has not advised the Court of his new address.

Defendants have filed a Motion to Dismiss. (ECF No. 21). They maintain that due to the Plaintiff's unavailability they have not been able to schedule his deposition, obtain his discovery responses, or otherwise proceed with the case.

The Court has not had an address for the Plaintiff since October 4, 2017. Defendants' Motion to Dismiss (ECF No. 21) is therefore **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 8th day of November, 2017.



TIMOTHY L. BROOKS
UNITED STATES DISTRICT JUDGE