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

DANIEL DAVID FLETCHER **PLAINTIFF**

V. **CASE NO. 5:17-cv-05138**

CORPORAL NICHOLAS HOWERTON **DEFENDANT**

OPINION AND ORDER

Plaintiff filed this case pursuant to 42 U.S.C. § 1983 contending his constitutional rights were violated by the Defendant while he was incarcerated in the Washington County Detention Center. Plaintiff proceeds *pro se* and *in forma pauperis.*

When he filed this case, Plaintiff was specifically advised that he had an obligation to immediately inform the Court of any changes in his address, and that the failure to do so would result in the dismissal of his case. *See* Doc. 3.

On September 18, 2017, mail sent to the Washington County Detention Center was returned as undeliverable and was resent to Plaintiff's new address at the Arkansas Department of Correction ("ADC"). On December 1, 2017, Defendant filed a Motion to Dismiss (Doc. 18) based on his inability to serve Plaintiff with various pleadings and documents. According to the affidavit of service that Defendant filed along with his Motion, all mail that he sent to the Plaintiff at the ADC has been returned undelivered, marked "return to sender unable to forward" and noting that Plaintiff was "paroled." *See* Doc. 20-1. Defendant contends the Plaintiff has failed to comply with Rule 5.5(c)(2) of the Local Rules for the Eastern and Western District of Arkansas, which requires a person proceeding *pro se* to "promptly notify the court and other parties to the proceedings of any change of his or her address, to monitor the progress of the case, and to prosecute or defend the action

diligently."

Plaintiff has not responded to the Motion to Dismiss and has not provided the Court with a new address. Accordingly, **IT IS ORDERED** that Plaintiff's case is **DISMISSED WITHOUT PREJUDICE** on the grounds that he has failed to prosecute it and has failed to comply with an Order of the Court. *See* Fed. R. Civ. P. 41(b).

IT IS SO ORDERED on this 29th day of January 2018.

TIMOTHY L. BROOKS
UNITED STATES DISTRICT JUDGE