

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

RUBEN MATTHEW SETZER

PLAINTIFF

v.

Civil No. 5:19-cv-05173

SUMMIT FOOD SERVICE, LLC,
A/K/A CATERING BY MARLINS, INC.;
and CARLA CINK, Kitchen Supervisor

DEFENDANTS

OPINION

Plaintiff, Ruben Matthew Setzer, filed this action pursuant to 42 U.S.C. §1983. He proceeds *pro se* and *in forma pauperis*.

When he filed this case, Plaintiff was specifically advised (ECF No. 3) that he was required to immediately inform the Court of any change of address. If Plaintiff was transferred or released, Plaintiff was told he must advise the Court of any change in his address by no later than thirty (30) days from the time of his transfer to another facility or his release. Additionally, Rule 5.5(c)(2) of the Local Rules for the Eastern and Western Districts of Arkansas requires *pro se* parties to “promptly notify the Clerk and other parties to the proceedings of any change in his or her address, to monitor the progress of the case, and to prosecute or defend the action diligently.”

On March 11, 2020, mail was returned to the Court as undeliverable with a notation that he had been paroled from the Arkansas Department of Correction. Plaintiff had until April 10, 2020, to provide the Court with his new address. On March 12th and March 25th (ECF Nos. 23 & 24), mail was again returned as undeliverable.

On April 13, 2020, Defendants filed a Motion to Dismiss (ECF No. 25). Defendants state that they have been unable to engage in any discovery. Defendants indicate all mail has been returned to them as undeliverable. Plaintiff has not responded to the Motion to Dismiss.

To date, Plaintiff has not provided a new address or contacted the Court in anyway. Accordingly, Defendants' Motion to Dismiss (ECF No. 25) is **GRANTED** and this case is **DISMISSED WITHOUT PREJUDICE** pursuant to Rule 41(b) of the Federal Rules of Civil Procedure and Rule 5.5(c)(2) of the Local Rules for the Eastern and Western Districts of Arkansas.

IT IS SO ORDERED on this 28th day of April 2020.



P. K. HOLMES, III
U.S. DISTRICT JUDGE