

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
HOT SPRINGS DIVISION

DARIUS WALKER

PLAINTIFF

v.

Case No. 6:21-cv-6065

SUPERVISOR JOE JONES, Trinity
Services Group; SHERIFF MIKE
MCCORMICK, *et al.*

DEFENDANTS

ORDER

This is a civil rights action filed pursuant to 42 U.S.C. § 1983. Before the Court is Plaintiff's failure to prosecute this case.

DISCUSSION

On April 28, 2021, Gary M. Chambers filed a civil rights action pursuant to 42 U.S.C. § 1983 on behalf of himself and sixteen other plaintiffs. Darius Walker ("Walker") was one of the sixteen plaintiffs. His claims were severed, and this case was opened on his behalf. Plaintiff Walker was alleged to have been incarcerated in the Garland County Detention Center when this action was filed.

By an Order (ECF No. 2) entered on April 28, 2021, the Court directed Plaintiff to file an amended complaint and an application to proceed *in forma pauperis* ("IFP"). The amended complaint and IFP application were to be filed by May 27, 2021. Plaintiff was further advised that he had thirty days from his transfer or release to provide the Court with his change of address. Plaintiff was advised that if he failed to comply with the Order the case "shall be subject to dismissal."

On May 26, 2021, all mail sent to Walker, including the Order (ECF No. 2) outlined above, was returned as undeliverable with a notation that Walker was no longer at the facility. Walker has not contacted the Court in any manner. The Court has not had an accurate address on Walker

since April 2021.

The Federal Rules of Civil Procedure specifically contemplate dismissal of a case on the ground that the plaintiff failed to prosecute or failed to comply with an order of the court. Fed. R. Civ. P. 41(b); *Line v. Wabash R.R. Co.*, 370 U.S. 626, 630-31 (1962) (stating that the district court possesses the power to dismiss *sua sponte* under Rule 41(b)). Additionally, Rule 5.5(c)(2) of the Local Rules for the Eastern and Western Districts of Arkansas requires parties appearing *pro se* to monitor the case and to prosecute or defend the action diligently. Accordingly, the Court finds that Plaintiff has failed to prosecute this case pursuant to Rule 41(b), and has failed to comply with Local Rule 5.5(c)(2). Fed. R. Civ. P. 41(b).

CONCLUSION

For the reasons stated above, the Court finds that Plaintiff's case should be and hereby is **DISMISSED WITHOUT PREJUDICE**.

IT IS SO ORDERED, this 15th day of July, 2021.

/s/ Susan O. Hickey
Susan O. Hickey
Chief United States District Judge