

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

DERENZO DESHON PRESTON

PLAINTIFF

v.

Civil No. 6:21-cv-06114

DEXTER PAYNE, Director, Arkansas Division
of Correction (ADC) ; RORY L. GRIFFIN, Assistant Director,
ADC; WARDEN DEANGELO EARL; DEPUTY
WARDEN TODD BALL, Ouachita River Correctional
Unit (ORCU); MAJOR JIMMY COLEMAN, Security, ORCU;
CRYSTAL MCCOY, Health Services Administrator; JOHN
FELTS, Chairman, Arkansas Parole Board; JERILYNN HOSMAN,
Classification Administrator; LIEUTENANT D. GOLDEN, ORCU;
LIEUTENANT CHAD M. SORG, ORCU; SERGEANT CHARLES
A. ROY, ORCU; and GARY GAMBLE, Program Coordinator, ORCU

DEFENDANTS

OPINION AND ORDER

This is a civil rights action filed by the Plaintiff Derenzo D. Preston (“Preston”) pursuant to 42 U.S.C. § 1983. Preston proceeds *pro se* and *in forma pauperis*. The case is before the Court on Preston’s failure to prosecute this action.

I. DISCUSSION

Preston was incarcerated in the Ouachita River Correctional Unit of the Arkansas Division of Correction when he filed his Complaint (ECF No. 1) on July 20, 2021. On July 28, 2021, all mail sent to Preston, including the Court Order (ECF No. 3) directing him to file an Amended Complaint and advising him of his obligation to keep the Court informed of his address, was returned as undeliverable to the Court (ECF No. 6).

However, Preston was previously advised of his obligation to keep the Court informed of

his current address. In the packet prisoners are sent when they request a § 1983 Complaint form, they are advised that:

Under a local rule of this court, it is your obligation as a *pro se* plaintiff to inform this court at all times of your current mailing address. It is also your duty to prosecute your case diligently and monitor its progress.

Again, you are advised that you must promptly inform the court of any change of address. If you are presently incarcerated, inform the court **immediately** upon your release.

If the court does not receive a response within 30 days to any communication addressed to you at the last address provided by you, the court will assume you have no further interest in the case and may dismiss same, without prejudice, upon motion of the adverse party or *sua sponte* (*i.e.*, by the court acting on its own initiative).

The local rule referred to in the packet is Rule 5.5(c)(2) of the Local Rules for the Eastern and Western Districts of Arkansas. Rule 5.5(c)(2) 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.”

Preston has failed to keep the Court informed of his current address. The Court has not had a valid address on Preston since July 28, 2021. Preston has not communicated with the Court in anyway.

II. CONCLUSION

For these reasons, this case is **DISMISSED WITHOUT PREJUDICE** pursuant to Rule 5.5(c)(2) of the Local Rules for the Eastern and Western Districts of Arkansas.

DATED this 8th day of September 2021.

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