

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Honorable Marcia S. Krieger**

Civil Action No. 11-cv-03064-MSK-MEH

PHILLIP RANDOLPH DILLARD,

Plaintiff,

v.

RICHARD SMELSER C.C.C.F. Executive Director,

Defendant.

ORDER DISMISSING PLAINTIFF'S CLAIMS

THIS MATTER appears before the Court following an Order to Show Cause (#23) issued to the Plaintiff, Phillip Randolph Dillard. The record shows that the Order was sent to Mr. Dillard at his address of record (#22), but was returned to the Court as undeliverable (#24).

It appears that Mr. Dillard has failed to keep the Court apprised of his current address as required by D.C.Colo.LCivR 10.1(M). In the absence of a valid mailing address for Mr. Dillard (the docket does not reflect that Mr. Dillard has registered with the Court for electronic service), the Court is utterly unable to communicate with him or provide him orders, minutes, or any other instructions. There is no remedy short of dismissal of the action that can remedy such a defect. Accordingly, the Court **DISMISSES** the remaining claims in this action for Mr. Dillard's failure to comply with Local Rule 10.1(M).

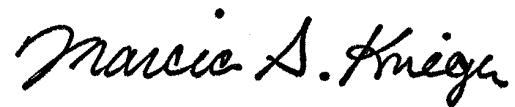
In addition, Mr. Dillard has failed to respond to the Order to Show Cause's requirement that he promptly effect service on Mr. Smelser or otherwise show cause why the claims against Mr. Smelser should not be dismissed for failure to timely effect service under Fed. R. Civ. P.

4(m). Accordingly, the remaining claims in this action are also **DISMISSED** pursuant to Rule

4(m). The Clerk of the Court shall close this case.

Dated this 19th day of April, 2013.

BY THE COURT:



Marcia S. Krieger

Marcia S. Krieger
Chief United States District Judge