

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF KENTUCKY  
AT BOWLING GREEN**

**DARRYL L. JOHNSON**

**PLAINTIFF**

**v.**

**CIVIL ACTION NO. 1:09CV-P17-M**

**ROBERT HUBER *et al.***

**DEFENDANTS**

**MEMORANDUM OPINION**

Upon filing the instant action, Plaintiff Darryl L. Johnson assumed the responsibility to keep this Court advised of his current address and to litigate his claims actively. *See* LR 5.2(d) (“All pro se litigants must provide written notice of a change of address to the Clerk and to the opposing party or the opposing party’s counsel. Failure to notify the Clerk of an address change may result in the dismissal of the litigant’s case or other appropriate sanctions.”).

On March 16, 2009, the copy of the Court’s March 9, 2009, Order granting Plaintiff’s application to proceed without prepayment of fees that was sent to Plaintiff at the Simpson County Jail was returned to the Court by the United States Postal Service marked “Return to Sender-Refused-Unable to Forward” (DN 6). In response to a request by the Court to explain “Refused,” Simpson County Jailer Robert Huber advised that “Darryl L. Johnson is **not** in custody at the Simpson County Jail” (DN 9).

The record, therefore, reflects that Plaintiff is no longer incarcerated at the Simpson County Jail, and he has not advised the Court of any change in his address. Because neither notices from this Court nor filings by Defendant can be served on Plaintiff, the Court concludes that Plaintiff has abandoned any interest in prosecuting this case.

The Court will, therefore, dismiss the action by separate Order.

Date:

cc: Plaintiff, *pro se*  
4414.005