

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

HARLAN EDWARD McINTOSH

PLAINTIFF

v.

CIVIL ACTION NO. 1:10CV-P79-M

GENE FERRALL *et al.*

DEFENDANTS

MEMORANDUM OPINION

Upon filing the instant action, Plaintiff assumed the responsibility to keep this Court advised of his current address and to actively litigate his claims. *See* Local Rule 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.”). Further, by Order entered August 26, 2010, the Court advised Plaintiff that he must provide a written change of address to the Clerk of Court and warned Plaintiff that his failure to do so may result in dismissal of this case (DN 11).

On April 25, 2011 (DN 48), and May 9, 2011 (DN 50), the U.S. Postal Service returned two Orders sent to Plaintiff. The envelopes were marked “Return to Sender, Attempted - Not Known, Unable to Forward” and were stamped “No Longer at HCDC.”

Apparently, Plaintiff is no longer incarcerated at the Henderson County Detention Center, his address of record, and because he has not provided any forwarding address to the Court, neither notices from this Court nor filings by Defendants can be served on him. In such situations, courts have an inherent power “acting on their own initiative to clear their calendars of cases that have remained dormant because of the inaction or dilatoriness of the parties seeking relief.” *Link v. Wabash R.R. Co.*, 370 U.S. 626, 630 (1962).

Because it appears to this Court that Plaintiff has abandoned any interest in prosecuting this case, the Court will dismiss the action by separate Order.

Date:

cc: Plaintiff, *pro se*
Counsel of record
4414.005