

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

ROBERT ROTUNDA

PETITIONER

v.

CIVIL ACTION NO. 1:15CV-P65-GNS

COMMONWEALTH OF KENTUCKY

RESPONDENT

MEMORANDUM OPINION

Upon filing the instant action, Petitioner Robert Rotunda, pro se, 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.”). Review of the record reveals that the May 19, 2015, Notice of Deficiency sent to Petitioner at the Crittenden County Jail, his address of record, was returned to the Court by the U.S. Postal Service on June 1, 2015 (DN 5). The envelope was marked “Return to Sender, Not Deliverable As Addressed, Unable to Forward,” and a handwritten notation indicated “No longer here.” Because Petitioner has not provided any notice of an address change to the Court, neither notices from this Court nor filings by Respondent can be served on him.

Rule 41(b) of the Federal Rules of Civil Procedure authorizes the involuntary dismissal of an action for failure to prosecute or to comply with an order of the court. See *Jourdan v. Jabe*, 951 F.2d 108, 109 (6th Cir. 1991) (“Fed. R. Civ. P. 41(b) recognizes the power of the district court to enter a sua sponte order of dismissal.”). “Further, the United States Supreme Court has recognized that courts have an inherent power to manage their own affairs and may dismiss a

case sua sponte for lack of prosecution.” Lyons-Bey v. Pennell, 93 F. App’x 732, 733 (6th Cir. 2004) (citing Link v. Wabash R.R. Co., 370 U.S. 626, 630-31 (1962)).

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

Date: August 7, 2015

A handwritten signature in black ink, appearing to read "G. Stivers", is written over a circular official seal of the United States District Court for the District of Kentucky.

Greg N. Stivers, Judge
United States District Court

cc: Petitioner, pro se
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