

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF KENTUCKY  
AT LOUISVILLE

CHARLES E. CHESTER, JR.

PLAINTIFF

v.

CIVIL ACTION NO. 3:06-CV-P508-H

OFFICER W. COGBURN

DEFENDANT

MEMORANDUM OPINION

Plaintiff initiated this civil action under 42 U.S.C. § 1983. Upon filing the instant action, he assumed the responsibility of keeping this Court advised of his current address and to actively litigate his claims. *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.”).

The Clerk of Court sent an Order to Plaintiff on December 12, 2008. That Order was returned by the United States Postal Service marked “Return to Sender; Refused; Unable to Forward.” Plaintiff has not advised the Court of a change of address, and neither notices from this Court nor filings by Defendant in this action can be served on Plaintiff. 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 prosecution of this case, the Court will dismiss the case by separate order.

Date: December 31, 2008

cc: Plaintiff, *pro se*  
Defendant  
4412.009



John G. Heyburn II, Judge  
United States District Court