

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF KENTUCKY
AT LOUISVILLE
CIVIL ACTION NO. 3:08CV-P114-S

BRUCE HORTON

PLAINTIFF

v.

KENTUCKY DEPARTMENT OF CORRECTIONS *et al.*

DEFENDANTS

ORDER

For the reasons set forth in the Memorandum Opinion entered this date, and being otherwise sufficiently advised, **IT IS ORDERED** that Defendants' motion to dismiss for failure to prosecute (DN 19) is **GRANTED**. Plaintiff's claims are **DISMISSED without prejudice** pursuant to Fed R. Civ. P. 41(b).

All remaining, pending motions are **DENIED as moot**.

The Court further **certifies** that an appeal of this action would not be taken in good faith.

See 28 U.S.C. § 1915(a)(3).

Date: **March 23, 2009**



Charles R. Simpson III, Judge
United States District Court

cc: Plaintiff, *pro se*
Counsel of record
4411.008