

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF KENTUCKY
AT LOUISVILLE

TIMOTHY WARD

PLAINTIFF

v.

CIVIL ACTION NO. 3:08-CV-214-H

BEEF O'BRADY'S et al.

DEFENDANTS

MEMORANDUM OPINION

Plaintiff initiated this civil action under 42 U.S.C. § 1981. 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.”).

This Court sent an Order for Meeting and Report to Plaintiff on September 18, 2008. That notice was returned by the United States Postal Service marked “Return to Sender; Moved; Left No Address; Unable to Forward.” Plaintiff has not advised the Court of a change of address, and neither notices from this Court nor filings by Defendants 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. 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: October 10, 2008

cc: Plaintiff, *pro se*
Counsel of record
4412.009


John G. Heyburn II
Chief Judge, U.S. District Court