

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF KENTUCKY
AT LOUISVILLE**

ANTONIO DEVON O'NEAL

PLAINTIFF

v.

CIVIL ACTION NO. 3:08CV-P459-H

OFFICER MCFERLEY *et al.*

DEFENDANTS

MEMORANDUM OPINION

The plaintiff, Antonio Devon O'Neal, initiated this civil action under 42 U.S.C. § 1983 while incarcerated at the County Correctional Center. Upon filing the instant action, he assumed the responsibility to keep this Court advised of his current address and to litigate his claims actively. *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.”).

On October 20, 2008, the Clerk of Court sent the plaintiff an Order granting his application to proceed without prepayment of fees (DN 4). The Order was returned to the Court by the United States Postal Service marked, “Return to Sender” (DN 5). Apparently, the plaintiff is no longer incarcerated at the County Correctional Center, and he has not advised the Court of any change in his address. Because neither notices from this Court nor filings by the defendants in this action can be served on the plaintiff, the Court construes this action to be abandoned. Accordingly, the Court will dismiss this action by separate Order.

Date: December 8, 2008

A handwritten signature in black ink, appearing to read "John G. Heyburn II", is written over a circular official seal of the United States District Court for the Western District of Kentucky. The seal features an eagle with wings spread, perched on a shield, with the text "UNITED STATES DISTRICT COURT" and "WESTERN DISTRICT OF KENTUCKY" around the perimeter.

**John G. Heyburn II, Judge
United States District Court**

cc: Plaintiff, *pro se*
Defendants
Jefferson County Attorney

4412.008