

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF KENTUCKY
AT LOUISVILLE
CIVIL ACTION NO. 3:08CV-P505-H**

TIMOTHY DEWAYNE MAYNARD

PLAINTIFF

v.

TOM CAMPBELL, DIRECTOR

DEFENDANT

MEMORANDUM OPINION

On September 25, 2008, the Clerk of Court issued a deficiency notice advising Plaintiff either to pay the \$350.00 filing fee or file an application to proceed without prepayment of fees (DN 3). On October 28, 2008, the envelope containing the copy of that deficiency notice sent to Plaintiff was returned to the Court by the United States Postal Service marked “Return to Sender - Inmate Not In Custody” (DN 4).

Upon filing the instant action, Plaintiff assumed the responsibility to keep this Court advised of his current address and to litigate his claims actively. *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.”). Apparently, Plaintiff is no longer incarcerated at his address of record (the Louisville Metro Department of Corrections), and because he has not provided any forwarding address to the Court, neither notices from this Court nor filings by Defendant can be served on him.

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

Date:

cc: Plaintiff, *pro se*
4412.005