

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

JEFFERY M. TYSON

PLAINTIFF

v.

CIVIL ACTION NO. 3:09CV-P117-S

KENTUCKY DEPARTMENT OF CORRECTIONS *et al.*

DEFENDANTS

MEMORANDUM OPINION

The plaintiff, Jeffery M. Tyson, initiated this civil action under 42 U.S.C. § 1983. 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 April 28, 2009, 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 ATTEMPTED NOT KNOWN UNABLE TO FORWARD” (DN 5). Apparently, the plaintiff has changed his address without advising the Court. 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: May 27, 2009



**Charles R. Simpson III, Judge
United States District Court**

cc: Plaintiff, *pro se*

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