

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF KENTUCKY
AT LOUISVILLE

ROBERT L. MONTGOMERY

PLAINTIFF

v.

CIVIL ACTION NO. 3:09-CV-292-H

COMMONWEALTH OF KENTUCKY

DEFENDANT

MEMORANDUM OPINION

Plaintiff filed a complaint under 42 U.S.C. § 1983 and an application to proceed without prepayment of fees. He lists his address in the complaint only as “city at large.” A review of other recent actions filed by Plaintiff reveal that mailings sent to the addresses he listed in those actions also were returned by the U.S. Postal Service. In this situation, the Court will dismiss this action as neither notices from this Court nor filings by Defendants in this action can be served on Plaintiff. 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.”). 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.R. Co.*, 370 U.S. 626, 630 (1962). The Court will dismiss the case by separate order.

Date: December 9, 2009

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

4412.009