

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

TEETH TRUST DIVINE SOLUTION *et al.*

PLAINTIFFS

v.

CIVIL ACTION NO. 3:09CV-623-S

COLGATE *et al.*

DEFENDANTS

MEMORANDUM OPINION

Plaintiff Michael Jason Profitt filed suit in his own name and in the name of Teeth Trust Divine Solution against Colgate, Crest, and All Toothpaste Companies. On September 2, 2009, the Honorable Judge John G. Heyburn II entered an Order recusing himself and transferring the matter to the undersigned (DN 5). The copy of that Order sent to Plaintiff Profitt and to Plaintiff Teeth Trust Divine Solution c/o Plaintiff Profitt was returned by the U.S. Postal Service marked Return to Sender, Attempted - Not Known, Unable to Forward (DN 6).

Upon filing the instant action, Plaintiff assumed the responsibility to keep this Court advised of his current address and to actively litigate his claims. *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 no longer resides at his address of record. He has not provided any forwarding address to the Court, and neither notices from this Court nor filings by Defendants 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 action by separate Order.

Date: October 23, 2009



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

cc: Plaintiff, *pro se*
4411.005