

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

ROBERT GEORGE HOLDER

PLAINTIFF

v.

CIVIL ACTION NO. 3:10CV-P512-H

LOUIS LAWSON *et al.*

DEFENDANTS

MEMORANDUM OPINION

Plaintiff, Robert George Holder, a convicted inmate, filed this 42 U.S.C. § 1983 action alleging violations of his Eighth Amendment rights. Upon initial review of the complaint pursuant to 28 U.S.C. § 1915A and *McGore v. Wrigglesworth*, 114 F.3d 601 (6th Cir. 1997), the Court allowed his individual-capacity claim that Defendant Brenda Brown violated his Eighth Amendment rights by refusing to treat his Crohn's disease and ulcerative colitis to proceed.

On February 25, 2011, Defendant Brown filed a motion for summary judgment. Plaintiff did not file a response. Additionally, Plaintiff did not file his pretrial memorandum by the January 26, 2011, due date. By Order entered April 6, 2011, the Court directed Plaintiff to file a response to Defendant's motion for summary judgment and his pretrial memorandum with the Court within 28 days. Plaintiff was warned that failure to comply would result in dismissal of this action for failure to prosecute. The Order was mailed to Plaintiff's address of record, the Hardin County Detention Center.

On April 19, 2011, the Court's Order sent to Plaintiff was returned to the Court unopened by the United States Postal Service. The envelope was stamped "RETURN TO SENDER—NO LONGER AT THIS ADDRESS." Apparently, Plaintiff has been released or transferred to another institution.

Plaintiff's failure to notify the Court of his change in address as required by

Local Rule 5.2 coupled with Plaintiff's apparent failure to take any action in this matter since filing it in July 2010 lead the Court to conclude that he has effectively abandoned this action.

Accordingly, by separate Order, the Court will dismiss this action for failure to prosecute.

Date:

cc: Plaintiff, *pro se*
Counsel of record
4412.008