

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

JASON BURKHART

PLAINTIFF

v.

CIVIL ACTION NO. 3:11CV-P171-S

ROBERT LOUDEN

DEFENDANT

MEMORANDUM OPINION

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.”).

On July 12, 2011, the Court entered an Order granting counsel for the Justice & Public Safety Cabinet’s motion for extension of time to seek waiver of service (DN 12). On July 21, 2011, the U.S. Postal Service returned the copy of the Order sent to Plaintiff (DN 13). The envelope was marked, “Return to Sender, Not Deliverable as Addressed, Unable to Forward.”

Apparently, Plaintiff is no longer incarcerated at the Kentucky State Reformatory, his address of record. Because he has not provided any forwarding address to the Court, neither notices from this Court nor filings by Defendants can be served on him. 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).

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

Date: August 24, 2011

A handwritten signature in black ink is written over the official seal of the United States District Court. The seal is circular and features an eagle with wings spread, perched on a shield. The text "UNITED STATES DISTRICT COURT" is visible around the perimeter of the seal.

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

cc: Plaintiff, *pro se*
Counsel of record
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