

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF KENTUCKY  
AT LOUISVILLE  
CIVIL ACTION NO. 3:11CV-P303-H**

**CHRISTOPHER D. MONTGOMERY**

**PLAINTIFF**

v.

**SGT. RICKY ROUTT *et al.***

**DEFENDANTS**

**MEMORANDUM OPINION**

Plaintiff Christopher D. Montgomery initiated this *pro se* civil action under 42 U.S.C. § 1983. Defendant Danny Allen filed a motion for summary judgment on February 8, 2012 (DN 28). Plaintiff did not file a response. On April 12, 2012, the Court entered an Order directing Plaintiff to file a response. On April 24, 2012, that mailing was returned by the United States Postal Service marked “Return to Sender, Attempted – Not Known, Unable to Forward.” Plaintiff has not advised the Court of a change of address.

Upon filing the instant action, Plaintiff assumed the responsibility of keeping this Court advised of his current address and to actively litigate his claims. *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.”). Because Plaintiff has not advised the Court of a change of address, neither notices from this Court nor filings by Defendants in this action can be served on Plaintiff. 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 prosecution of this case, the Court will dismiss the case by separate Order.

Date:

cc: Plaintiff, *pro se*  
Counsel or Record  
4412.010