

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

EUGENE A. CUMMINGS, JR.

PLAINTIFF

v.

CIVIL ACTION NO. 3:11CV-P722-S

JEFFERSON COUNTY D.A. et al.

DEFENDANTS

MEMORANDUM OPINION

Plaintiff Eugene A. Cummings, Jr., filed a *pro se* civil action. Upon filing the instant action, he 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 February 27, 2012, the Court granted Plaintiff’s application to proceed without prepayment of fees (DN 4). On March 5, 2012, the U.S. Postal Service returned the copy of the Order sent to Plaintiff at his address of record (DN 6). The envelope was marked “Return to Sender, Undeliverable as Addressed, Unable to Forward.”

Because Plaintiff 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: April 20, 2012

A handwritten signature in black ink is written over the circular seal of the United States District Court for the Eastern District of Missouri. The signature is stylized and appears to read 'C. R. Simpson III'. The seal features an eagle with wings spread, holding an olive branch and arrows, with a shield on its chest. The text 'UNITED STATES DISTRICT COURT' is visible around the top of the seal, and 'EASTERN DISTRICT OF MISSOURI' is visible around the bottom.

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

cc: Plaintiff, *pro se*
Defendants
Jefferson County Attorney
4411.005