

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF KENTUCKY
AT LOUISVILLE
CIVIL ACTION NO. 3:12CV-529-S**

ALLISON MICHELLE ERNST

PLAINTIFF

v.

JAMES EAGAN HOLMES

DEFENDANT

MEMORANDUM OPINION

Plaintiff Allison Michelle Ernst filed the instant *pro se* civil action on August 27, 2012. She failed, however, either to pay the \$350.00 filing fee or file an application to proceed without the prepayment of the filing fees. Therefore, on September 10, 2012, the Court entered an Order directing Plaintiff to pay the \$350.00 filing fee or file an application to proceed without prepayment of fees within 30 days. On September 17, 2012, that mailing was returned by the United States Postal Service marked “Return to Sender, No Such Number, Unable to Forward.” Plaintiff has not advised the Court of a different address.

Upon filing the instant action, Plaintiff assumed the responsibility of keeping this Court advised of her current mailing address. *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 correct address, neither notices from this Court nor filings by Defendant 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: **October 2, 2012**

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*
4411.010