

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF KENTUCKY
AT LOUISVILLE
CIVIL ACTION NO. 3:13CV-P479-S**

WARDELL COLEMAN

PETITIONER

v.

COMMONWEALTH OF KENTUCKY

RESPONDENT

MEMORANDUM OPINION

Petitioner Wardell Coleman initiated this action by filing a petition for writ of habeas corpus on his own paper. On May 13, 2013, the Clerk of Court sent a notice of deficiency to Petitioner. On June 5, 2013, that mailing was returned by the United States Postal Service marked “Return to Sender, Attempted – Not Known, Unable to Forward” (DN 4).

Upon filing the instant action, Petitioner assumed the responsibility to keep this Court advised of his current address and to litigate his claims actively. Federal Rule of Civil Procedure 41(b) authorizes dismissal of an action “[i]f the plaintiff fails to prosecute or to comply with these rules or a court order.” Further, 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).

Apparently, Petitioner is no longer incarcerated at the institution of his address of record, and he has not advised the Court of any change in his address. Because neither notices from this Court nor filings by Respondent can be served on Petitioner, the Court concludes that Petitioner has abandoned any interest in prosecuting this case.

The Court will, therefore, dismiss the action by separate Order.

Date: August 2, 2013

A handwritten signature in black ink, appearing to read 'C. Simpson III', is written over a faint circular seal of the United States District Court.

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

cc: Petitioner, *pro se*
4411.010