

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

GARELL MARK BURGESS

PLAINTIFF

v.

CIVIL ACTION NO. 3:13CV-P491-R

SHANNON WHITE *et al.*

DEFENDANTS


MEMORANDUM OPINION

Plaintiff Garell Mark Burgess filed this *pro se* civil-rights action pursuant to 42 U.S.C. § 1983 while a pretrial detainee incarcerated in the Hardin County Detention Center (HCDC). On October 16, 2013, the Court received a letter from an HCDC Deputy Jailer who advised that Plaintiff Burgess “was released to the street from our facility on October 08, 2013 after the bond on his case in Hardin Co. was unsecured” (DN 10). Plaintiff, however, has not provided a change of address to the Court.

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* 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.”). Apparently, Plaintiff is no longer incarcerated at the HCDC, and 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: November 20, 2013


Thomas B. Russell, Senior Judge
United States District Court

cc: Plaintiff Burgess, *pro se*
Hardin County Attorney
4413.005