

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF KENTUCKY
AT OWENSBORO
CIVIL ACTION NO. 4:12CV-P18-M**

RICK G. BURTON

PETITIONER

v.

TOM VILLMER, WARDEN

RESPONDENT

MEMORANDUM OPINION


Upon filing the instant action, Petitioner Rick G. Burton assumed the responsibility to keep this Court advised of his current address and to litigate his claims actively. *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.”).

The Court entered a Show Cause Order on May 23, 2012, directing Petitioner to show cause why his petition should not be dismissed as untimely and for failure to exhaust state-court remedies. On May 31, 2012, the Show Cause Order sent to Petitioner at his address of record was returned to the Court by the United States Postal Service marked “Return to Sender, Not Deliverable as Addressed, Unable to Forward” (DN 4).

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: June 25, 2012


Joseph H. McKinley, Jr., Chief Judge
United States District Court

cc: Petitioner, *pro se*
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