

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF KENTUCKY
AT OWENSBORO
CIVIL ACTION NO. 4:12CV-P78-M**

FRANKLIN L. HOWELL II

PLAINTIFF

v.

DAVISS COUNTY DETENTION CENTER

DEFENDANT

MEMORANDUM OPINION

Plaintiff Franklin L. Howell II initiated this *pro se* civil action jointly with another Plaintiff, Civil Action Number 4:12CV-19-M. The Court ordered the claims to be severed because they were not properly joined under Fed. R. Civ. P. 20(a). The Court further directed the Clerk of Court to open the instant, separate civil action identifying Plaintiff Howell as the plaintiff and docketing the complaint and all documents related to Plaintiff Howell in the instant action.


On March 13, 2012, the Court entered an Order granting Plaintiff Howell's application to proceed without the prepayment of fees in the jointly filed action, and the Clerk of Court sent a mailing of the Order to him. On March 16, 2012, that mailing was returned by the United States Postal Service marked "Return to Sender" and stating "Released." Plaintiff Howell has not advised the Court of a change of address.

Upon filing a civil action, Plaintiff Howell assumed the responsibility of keeping 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."). Since Plaintiff

Howell has not advised the Court of his new address, neither notices from this Court nor filings by Defendant in this action 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 Howell has abandoned any interest in prosecution of his case, the Court will dismiss the case by separate Order.

Date: July 5, 2012


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

cc: Plaintiff, *pro se*
Defendant
4414.010