

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

JASON PERRY

PLAINTIFF

v.

CIVIL ACTION NO. 4:16-CV-P14-JHM

**HENDERSON COUNTY
DETENTION CENTER**

DEFENDANT

MEMORANDUM OPINION

Upon filing the instant action, Plaintiff, who is proceeding pro se, assumed the responsibility to keep this Court advised of his current address and to actively litigate his claims. See Local Rule 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.”).

Plaintiff filed a complaint in this Court on February 12, 2016. On that same day, the Clerk’s Office sent Plaintiff a notice advising him that the complaint he filed was deficient for several reasons (DN 3). On February 24, 2016, the United States Postal Service returned the notice to the Court with the returned envelope marked ““RETURN TO SENDER, REFUSED, UNABLE TO FORWARD, RETURN TO SENDER” (DN 4). A handwritten notation on the envelope states “RTS Gone.” Over one month has passed without Plaintiff providing any notice of an address change.

Rule 41(b) of the Federal Rules of Civil Procedure authorizes the involuntary dismissal of an action if a plaintiff fails to prosecute or to comply with an order of the court. See *Jourdan v. Jabe*, 951 F.2d 108, 109 (6th Cir. 1991) (“Fed. R. Civ. P. 41(b) recognizes the power of the district court to enter a sua sponte order of dismissal.”) “Further, the United States Supreme

Court has recognized that courts have an inherent power to manage their own affairs and may dismiss a case sua sponte for lack of prosecution.” Lyons-Bey v. Pennell, 93 F. App’x 732, 733 (6th Cir. 2004) (citing Link v. Wabash R.R. Co., 370 U.S. 626, 630-31 (1962)).

Because Plaintiff has failed to file a notice of change of address, the Court concludes that he has abandoned any interest in prosecuting this case, and the Court will dismiss the action by separate Order.

Date: March 28, 2016


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

cc: Plaintiff, pro se
4414.011