

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

JOEL DAVID OSBORNE

PLAINTIFF

v.

CIVIL ACTION NO. 4:17-CV-32-JHM

UNKNOWN DEFENDANTS

DEFENDANTS

MEMORANDUM OPINION


Plaintiff initiated this action by filing several documents and other exhibits and paid the \$400 filing fee for filing a civil action in this Court. By Order dated March 16, 2017, this Court ordered Plaintiff to fill out the Court's general civil complaint form and return it to the Court for filing within 30 days. That mailing, which was sent to Plaintiff's address of record, was returned by the U.S. Postal Service marked, "Return to Sender; Refused; Unable to Forward."

On April 21, 2017, Plaintiff informed the Clerk's Office that he was now homeless and that there was not an address to which mail could be delivered to him. On May 2, 2017, Plaintiff filed additional documents in this case, but did not update the Clerk's Office with a mailing address. More than two months have passed since Plaintiff informed the Clerk's Office that he did not have a mailing address.

Upon filing the instant action, Plaintiff assumed the responsibility of keeping this Court advised of his current address and to actively litigate his claims. *See* LR 5.2(e) ("All pro se litigants must provide written notice of a change of residential address, and, if different, mailing 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."). Given that Plaintiff has not provided a current mailing address, neither notices from this Court nor filings by Defendants can be served on Plaintiff. 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). The Court will dismiss this case by separate Order.

Date: July 10, 2017


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

cc: Plaintiff, *pro se*
4414.009