

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF KENTUCKY
AT PADUCAH
CIVIL ACTION NO. 5:09CV-P130-R**

ROBERT LEE POLK

PETITIONER

v.

JOSEPH MEKO

RESPONDENT

MEMORANDUM OPINION

On or about June 22, 2009, without the assistance of counsel, Petitioner, Robert Lee Polk, filed this habeas action in the United States District Court for the Eastern District of Kentucky pursuant to 28 U.S.C. § 2254 challenging a Fulton Circuit Court state conviction and sentence. By Order entered July 10, 2009, Hon. Judge Henry R. Wilhoit, Jr., transferred the action to this Court (DN 3).

Upon receipt of the transfer, on July 13, 2009, this Court sent Petitioner information regarding the transfer and his new case assignment. The Court sent the information to the Petitioner's address of record at the Little Sandy Correction Complex in Sandy Hook, Kentucky. The United States Postal Service returned the mail to Court as "undelivered" marked "address unknown" (DN 6). Believing that Petitioner might not have been aware of the transfer order, this Court has attempted to locate Petitioner using both the VINELink system (www.vinelink.com) and the Kentucky Department of Corrections's Kentucky Offender Online Lookup (www.corrections.ky.gov/kool). The Court's efforts have not been successful.

Apparently, Petitioner is no longer incarcerated at the Little Sandy Correctional Complex. Despite its best efforts, the Court has been unable to locate Petitioner. Because neither notices from this Court nor filings by Respondent in this action can be served on

Petitioner, the Court construes this action to be abandoned. By separate Order, the Court will dismiss this action without prejudice.

Date:

cc: Petitioner, *pro se*
Respondent
4413.008