

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF KENTUCKY
AT PADUCAH
CIVIL ACTION NO. 5:09CV-P191-R**

CECIL ROARK, II

PLAINTIFF

v.

CRITTENDEN COUNTY DETENTION CENTER

DEFENDANT

MEMORANDUM OPINION

The plaintiff initiated this civil action under 42 U.S.C. § 1983 while incarcerated at the Crittenden County Detention Center. Upon filing the instant action, he 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.”).

On November 3, 2009, the Clerk of Court sent the plaintiff a deficiency notice instructing him to either pay the filing fee or submit an application to proceed without prepayment of the fee (DN 3). On November, 10, 2009, the deficiency notice was returned to the Court by the United States Postal Service marked, “Return to Sender” (DN 4). Apparently, the plaintiff is no longer incarcerated at the Crittenden County and he has not advised the Court of any change in his address for over sixty days.

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 has abandoned any interest in prosecuting this case, the Court will dismiss the action pursuant to Fed. R. Civ. P. 41(b) for failure to comply with the Local Rules of this Court

and for failure to prosecute.

The Court will enter a separate Order consistent with this Memorandum Opinion.

Date:

cc: Plaintiff, *pro se*

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