

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

**JUSTIN KELLY**

**PLAINTIFF**

**v.**

**CIVIL ACTION NO. 5:14CV-P218-GNS**

**RANDY HALEY et al.**

**DEFENDANTS**

**MEMORANDUM OPINION**

Plaintiff Justin Kelly, a pro se prisoner, initiated this civil action under 42 U.S.C. § 1983. Upon filing the instant action, he 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.”).

The Clerk of Court sent a mailing to Plaintiff on January 29, 2015. That mailing was returned by the United States Postal Service marked “Return to Sender, Not Deliverable as Addressed, Unable to Forward.” Plaintiff apparently is no longer housed at his address of record, and he has not advised the Court of a change of address. Therefore, neither notices from this Court nor filings by Defendants in this action 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). Because it appears to this Court that

Plaintiff has abandoned any interest in prosecution of this case, the Court will dismiss the case by separate Order.

Date: April 17, 2015



**Greg N. Stivers, Judge  
United States District Court**

cc: Plaintiff, *pro se*  
4416.010