

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

JOSHUA DANIEL SCOTT

PLAINTIFF

v.

CIVIL ACTION NO. 5:17-CV-P52-TBR

TOMMY HENDERSON et al.

DEFENDANTS

MEMORANDUM OPINION

On April 25, 2018, this Court entered an Order (DN 30) that within 30 days Plaintiff must respond to Defendants' motion to compel and for an extension of discovery deadlines. That Order also noted that mail recently sent to Plaintiff by the Court was returned by the U.S. Postal Service marked "Return to Sender, Refused, Unable to Forward," but that Plaintiff had filed a letter stating that he would be released from incarceration soon and providing an address for him after his release. Therefore, the Court mailed its Order to Plaintiff at both addresses. That Order warned Plaintiff that his failure to respond as directed within 30 days would result in dismissal of this action.

More than 30 days have passed. The Order sent to Plaintiff at his address of incarceration has been returned by the U.S. Postal service marked "Return to Sender, Refused, Unable to Forward." The mailing sent to Plaintiff at his address after release has not been returned. However, Plaintiff has not responded as he was ordered to do.

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. *See* Fed. R. Civ. P. 41(b) (governing involuntary dismissal).

Date: July 10, 2018

The image shows a handwritten signature in black ink that reads "Thomas B. Russell". The signature is written in a cursive style. Behind the signature, there is a circular seal of the United States District Court, which is partially obscured by the ink.

**Thomas B. Russell, Senior Judge
United States District Court**

cc: Plaintiff, *pro se*
Counsel of record
4413.009