

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
HATTIESBURG DIVISION

WENDELL O. WHIDDON

PLAINTIFF

v.

CIVIL ACTION NO. 2:09cv100-MTP

CARLOS MARTIN

DEFENDANT

ORDER TO SHOW CAUSE

THIS MATTER is before the court *sua sponte* upon receipt of mail returned as undeliverable [37] indicating that the address provided by Plaintiff is now incorrect.¹ On or about March 23, 2010, the court attempted to serve Plaintiff with a copy of a Text Order granting Defendant's Motion [34] for Extension of Time to Complete Discovery. The envelope containing the Text Order was returned to the Clerk on April 9, 2010 with the following notations "Return to Sender"; "Refused" and "Unable to Forward." *See* [37]. Plaintiff has not notified the court of a change of address, and has been warned on at least seven occasions that failure to comply with the court's orders or to keep the court informed of his current address could result in a dismissal of this matter. *See* [3] [4] [7] [8] [12] [14] [30]. Accordingly, it is

ORDERED:

- (1) That Plaintiff file a written statement with the clerk of court on or before May 3, 2010 setting forth why this case should not be dismissed for failure to prosecute; **or alternatively,**
- (2) That Plaintiff confirm his present address or provide the clerk of court with his new address, in writing, on or before May 3, 2010.

IT IS FURTHER ORDERED that Plaintiff's failure to respond may result in this civil

¹ The address provided by Plaintiff is: Lamar County Jail, P.O. Box 806, Purvis, MS 39475.

action being dismissed without further notice.

SO ORDERED on the 20th day of April, 2010.

s/ Michael T. Parker

United States Magistrate Judge