

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
NORTHERN DIVISION**

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| RICHARD F. BROWN, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | No. 2:22-CV-52 JSD |
| |) | |
| CORIZON, INC., |) | |
| |) | |
| Defendant. |) | |

MEMORANDUM AND ORDER

This matter is before the Court on its review of the record. On November 13, 2023, appointed counsel for Plaintiff Richard F. Brown (“Brown”) notified the Court that he had been unable to reach his client for several months. (ECF No. 35). Counsel stated that he never heard a response from Brown to an April 6, 2023 letter and an August 14, 2023 letter was returned as undelivered. (*Id.*) Counsel then underwent an “extensive search” but was unable to locate Brown.

On November 16, 2023, the Court ordered Brown to provide his current mailing address to the Court no later than December 8, 2023. (ECF No. 36). The Court warned Brown that failure to provide an address and comply with the Court’s orders could result in possible dismissal of his action without prejudice. (*Id.*) After receiving no response from Brown, the Court issued a Show Cause Order on December 14, 2023. (ECF No. 37). The Court ordered Brown to show cause as to why this Court should not dismiss this action for failure to comply with this Court’s Orders and notify the Court of his current mailing address. (*Id.*) The Court warned Brown that if he did not comply by January 16, 2024, then the Court would dismiss this action without prejudice. (*Id.*) To date, the Court still has not received a response from Brown.

“According to Rule 41(b), a district court may dismiss a case if ‘the plaintiff fails to prosecute’ or doesn’t comply with the Federal Rules of Civil Procedure or a court order.”

DiMercurio v. Malcom, 716 F.3d 1138, 1140 (8th Cir. 2013) (citing Fed. R. Civ. P. 41(b)); *Burgs v. Sissel*, 745 F.2d 526, 528 (8th Cir. 1984) (citing *M.S. v. Wermers*, 557 F.2d 170, 175 (8th Cir. 1977)); *Welsh v. Automatic Poultry Feeder Co.*, 439 F.2d 95, 96 (8th Cir. 1971) (“A district court has power to dismiss an action for refusal of the plaintiff to comply with any order of court, Fed.R.Civ.P. 41(b), and such action may be taken on the court's own motion.”). “Plaintiff was given meaningful notice of what was expected, and cautioned that his case would be dismissed if he failed to timely comply.” *Seals v. Marshaik*, No. 4:21-CV-1468-NAB, 2022 WL 741863, at *1 (E.D. Mo. Mar. 11, 2022). The Court, therefore, dismisses Brown’s case, without prejudice, for failure to provide a new address and for failure to comply with the Court’s Orders.

Accordingly,

IT IS HEREBY ORDERED that this case is **DISMISSED** without prejudice for Plaintiff Richard F. Brown’s failure to provide a new address and failure to comply with the Court’s orders. A separate order of dismissal will be entered herewith.

Dated this 6th day of February, 2024.



RONNIE L. WHITE
UNITED STATES DISTRICT JUDGE