

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

BENNIE PINO,

Petitioner,

vs.

No. CV 18-00565 KG/GJF

MESCALERO TRIBAL COURT,

Respondent.

**MEMORANDUM OPINION AND ORDER OF DISMISSAL**

**THIS MATTER** is before the Court *sua sponte* under Fed. R. Civ. P. 41(b) on the Petition Under 28 U.S.C. § 2241 for a Writ of Habeas Corpus filed by Petitioner Bennie Pino (Doc. 1). The Court will dismiss the Petition without prejudice for failure to comply with a Court order and failure to prosecute.

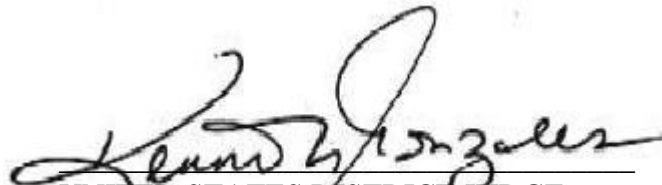
Mailings to Petitioner Pino at his address of record were returned as undelivered. (Doc. 8). The Court then issued an Order to Show Cause on August 30, 2018, directing Pino to notify the Court of a new address, or otherwise show cause why the case should not be dismissed, within 21 days of entry of the Order. (Doc. 9). Additional mail, including the copy of the Court's Order to Show Cause mailed to Pino's address of record, was also returned as undelivered. (Doc. 10, 11). More than 21 days has elapsed since entry of the Order to Show Cause and Pino has not provided the Court with a new address, responded to the Court's Order, or otherwise shown cause why the case should not be dismissed. Investigation by the Court indicates that Pino has been released and is no longer in custody.

Pro se litigants are required to follow the federal rules of procedure and simple, nonburdensome local rules. *See Bradenburg v. Beaman*, 632 F.2d 120, 122 (10<sup>th</sup> Cir. 1980).

The local rules require litigants, including prisoners, to keep the Court apprised of their proper mailing address and to maintain contact with the Court. D.N.M. LR-Civ. 83.6. Plaintiff Pino has failed to comply with D.N.M. LR-Civ. 83.6 and with the Court's August 30, 2018 Order to Show Cause.

Plaintiff Pino has failed to comply with the Court's order and failed to prosecute this action by not keeping the Court apprised of his current address. The Court may dismiss an action under Fed. R. Civ. P. 41(b) for failure to prosecute, to comply with the rules of civil procedure, or to comply with court orders. *See Olsen v. Mapes*, 333 F.3d 1199, 1204, n. 3 (10<sup>th</sup> Cir. 2003). Therefore, the Court will dismiss this civil proceeding pursuant to Rule 41(b) for failure to comply with the Court's Order and failure to prosecute this proceeding.

**IT IS THEREFORE ORDERED** that the Petition Under 28 U.S.C. § 2241 for a Writ of Habeas Corpus filed by Petitioner Bennie Pino (Doc. 1) is **DISMISSED** without prejudice under Fed. R. Civ. P. 41(b) for failure to comply with the Court's order and failure to prosecute.



UNITED STATES DISTRICT JUDGE