

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

IRAK ARCE,

Plaintiff,

vs.

No. CIV 19-0320 JB/GBW

CURRY COUNTY DETENTION CENTER;
CURRY COUNTY SHERIFF'S
DEPARTMENT; and CLOVIS POLICE
DEPARTMENT,

Defendants.

MEMORANDUM OPINION AND ORDER

THIS MATTER comes before the Court, under rule 41(b) of the Federal Rules of Civil Procedure, on the 1983 Tort Claim Complaint, filed April 4, 2019 (Doc. 1)(“Complaint”). The Court will dismiss the Complaint without prejudice for failure to comply with a Court order and for failure to prosecute.

The record reflects that certain mailings to Plaintiff Irak Arce were returned as undeliverable. See Mail Returned as Undeliverable, filed April 18, 2019 (Doc. 6); Mail Returned as Undeliverable, filed April 18, 2019 (Doc. 7); Mail Returned as Undeliverable, filed April 18, 2019 (Doc. 8). The Court’s research indicates that Arce has been released from the Curry County Detention Center. It appears that Arce has been transferred or released from custody without advising the Court of his new address, as D.N.M. LR-Civ. 83.6 requires, thus severing contact with the Court.

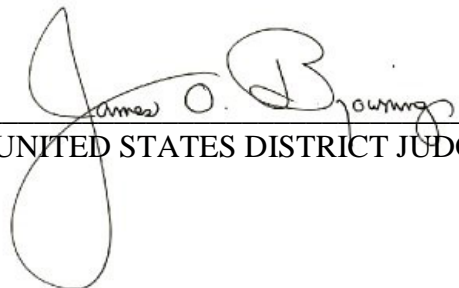
The Court issued an Order to Show Cause on April 19, 2019 (Doc. 9)(“Order”), directing Arce to notify the Court of a new address, or to otherwise show cause why the Court should not

dismiss the case within thirty days of the Order's entry. More than thirty days has elapsed since the Order's entry, and Arce has not provided the Court with a new address, responded to the Court's Order, or otherwise shown cause why the Court should not dismiss the case.

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 (10th 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. See D.N.M. LR-Civ. 83.6. Arce has not complied with D.N.M. LR-Civ. 83.6 and with the Court's Order.

The Court may dismiss an action under rule 41(b) for failure to prosecute, to comply with the Federal Rules of Civil Procedure, or to comply with court orders. See Olsen v. Mapes, 333 F.3d 1199, 1204, n.3 (10th Cir. 2003). Arce has not complied with the Court's Order and has not prosecuted this action by keeping the Court apprised of his current address. The Court, therefore, will dismiss this civil proceeding pursuant to rule 41(b) for not complying with the Court's Order and for not prosecuting this proceeding.

IT IS ORDERED that the 1983 Tort Claim Complaint, filed April 4, 2019 (Doc. 1), is dismissed without prejudice.



UNITED STATES DISTRICT JUDGE

Parties:

Irak Arce
Clovis, New Mexico

Plaintiff pro se