

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

LUIS BARELA,

Plaintiff,

vs.

No. CV 20-00707 MV/GBW

CURRY COUNTY ADULT DETENTION CENTER,  
CURRY COUNTY SHERIFF'S DEPARTMENT,  
SHERIFF WESLEY WALKER, and  
LANCE PILE,

Defendants.

**MEMORANDUM OPINION AND ORDER OF DISMISSAL**

**THIS MATTER** is before the Court *sua sponte* pursuant to Rule 41(b) of the Federal Rules of Civil Procedure on the Complaint for Violation of Civil Rights ("Complaint") filed by Plaintiff Luis Barela on July 16, 2020 (Doc. 1). The Court will dismiss the Complaint without prejudice for failure to comply with a Court order and failure to prosecute.


The record reflects that certain mailings to Plaintiff were returned as undeliverable. (Doc. 10, 12). The Court's research indicates that Plaintiff was released from the Curry County Adult Detention Center on January 21, 2021 and did not provide a new address. It appears that Plaintiff has been transferred or released from custody without advising the Court of his new address, thus severing contact with the Court.

The Court issued an Order to Show Cause on April 19, 2021, directing Plaintiff to notify the Court of a new address, or otherwise show cause why the case should not be dismissed, within 30 days of entry of the Order. (Doc. 11). More than 30 days has elapsed since entry of the Order

to Show Cause and Plaintiff 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.

The Court may dismiss a proceeding under Rule 41(b) for failure to comply with statutes or rules of civil procedure, or to comply with court orders. *See Olsen v. Mapes*, 333 F.3d 1199, 1204, n. 3 (10th Cir. 2003). Pro se litigants are also 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). Here, Plaintiff did not comply with the Court's Order to Show Cause. Further, Plaintiff was required under Local Rule 83.6 to keep the Court advised as to his current address and to maintain contact with the Court. D.N.M. LR-Civ. 83.6. As mailings sent to Plaintiff at his address of record has been returned to the Court as undeliverable, it is clear that Plaintiff has not met his obligation to keep the Court apprised of his proper mailing address and has not communicated or maintained any contact with the Court. Accordingly, the Court will dismiss this proceeding for failure to comply with Rule 83.6 and the Order to Show Cause, and for failure to prosecute this proceeding.

**IT IS ORDERED** that the Complaint for Violation of Civil Rights filed by Plaintiff Luis Barela (Doc. 1) is **DISMISSED** without prejudice pursuant to Rule 41(b).

  
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HONORABLE MARTHA VÁZQUEZ  
UNITED STATES DISTRICT JUDGE