

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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ERIC T. THAYNE ,

Plaintiff,

v.

3:10-CV-01227

J. L. VANEK,  
Patrolman,  
Endicott Police Department ,

Defendant.

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THOMAS J. McAVOY  
Senior United States District Judge

**DECISION and ORDER**

Defendant brought the instant motion pursuant to Fed. R. Civ. P. 41(b) and N.D.N.Y. L.R. 41.2 (b) based on Plaintiff's failure to prosecute. Plaintiff has not responded to the motion.

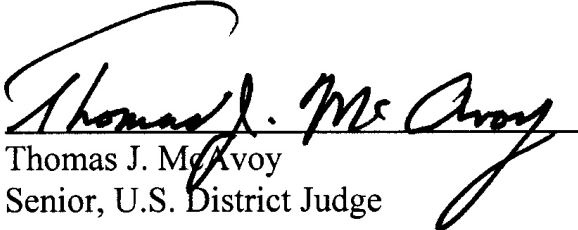
Plaintiff commenced the action while incarcerated at the Broome Correctional Facility. Defendant's counsel unsuccessfully attempted to serve various paper on Plaintiff. Plaintiff apparently was released from the Broome Correctional Facility in August 10, 2011. He has not provided Defendant or the Court with updated contact information.

"If the plaintiff fails to prosecute or to comply with these rules or a court order, a defendant may move to dismiss the action or any claim against it." Fed. R. Civ. P. 41(b). Local Rule 10(c)(2) requires all attorneys and pro se litigants to notify the Court of any change to their addresses. "The failure to notify the Court of a change of address in accordance with L.R. 10(c)(2) may result in dismissal of any pending action."

Here, Plaintiff has not notified the Court about any changes to his address. Moreover, Plaintiff has not participated in this litigation in well over four months. Accordingly, the Complaint is dismissed without prejudice pursuant to Fed. R. Civ. P. 41(b) and N.D.N.Y. L.R. 41.2 (b).

IT IS SO ORDERED.

Dated: November 28, 2011

  
Thomas J. McAvoy  
Senior, U.S. District Judge