

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MYLES DEANTE CLAY HARRIS,

Plaintiff,

v.

WESTCHESTER COUNTY DEPARTMENT
OF CORRECTIONS, *et al.*,

Defendants.

No. 17-CV-839 (KMK)

ORDER

KENNETH M. KARAS, District Judge:

Myles Deante Clay Harris (“Plaintiff”) initiated this Action by filing a Complaint on February 2, 2017. (Dkt. No. 1.) Defendants Answered on June 29, 2017. (*See* Ans. (Dkt. No. 13).) Following motion practice, the Court partially granted and partially denied Defendants’ Motion for Summary Judgment on October 15, 2019. (*See* Op. & Order (“Op.”) (Dkt. No. 70).) In that Opinion, the Court scheduled a status conference for November 7, 2019, (*id.* at 34), which was later rescheduled for December 3, 2019, (Dkt. No. 72). On December 3, 2019, the Court was informed by defense counsel that Plaintiff had been transferred to a different facility than the one recorded as his address on the docket, Mid-State Correctional Facility (“Mid-State”). Despite calling the number provided multiple times, the Court was unable to reach Plaintiff at the time of the conference. Nor has Plaintiff updated his address on the record or further communicated with the Court. At the beginning of this Action, Plaintiff was instructed to notify the Court of any address changes or risk dismissal of his case. (*See* Order of Service 3 (Dkt. No. 6).)


Accordingly, Plaintiff is hereby ordered to show cause, by no later than 30 days from the date of this Order, as to why this case should not be dismissed for failure to prosecute. *See*

Armstrong v. Guccione, 470 F.3d 89, 103 n.1 (2d Cir. 2006) (noting that “a federal district court has the inherent power to dismiss a case sua sponte for failure to prosecute”); *Robinson v. United States*, No. 03-CV-1001, 2005 WL 2234051, at *2 (S.D.N.Y. Sept. 8, 2005) (“Only the Plaintiff can be responsible for notifying the court and the Defendant of his updated address, and Plaintiff’s failure to do so has made it impossible to provide him any notice.”). The Court may dismiss this case with prejudice without further notice in the event that good cause is not shown.

The Clerk of Court is directed to mail a copy of this Order to Plaintiff.

SO ORDERED.

DATED: December 4, 2019
White Plains, New York



KENNETH M. KARAS
UNITED STATES DISTRICT JUDGE