

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:13-cv-127-RJC**

HAROLD PARKER,)
)
 Plaintiff,)
)
 v.)
)
 SAMI HASSAN,)
)
 Defendant.)
 _____)

ORDER

THIS MATTER is before the Court on its own motion.

Plaintiff filed a civil rights action pursuant to 42 U.S.C. § 1983 while housed as an inmate in the Polk Correctional Institution. On June 11, 2013, Plaintiff filed a motion for a change of venue seeking to transfer this case to the Middle District of North Carolina on the ground that he plans to relocate there following his release, which Plaintiff projected would occur on October 27, 2013. A review of the website of the North Carolina Department of Public Safety shows that Plaintiff was in fact released on October 27, but Plaintiff provided no information to the Court regarding his new address following his release.

A plaintiff has a duty to prosecute his case and that includes providing the Court with current information on his mailing address. A failure to do so can support a dismissal of a civil action. See Ballard v. Carlson, 882 F.2d 93, 95 (4th Cir. 1989); Hilling v. Comm’r of Internal Revenue, 916 F.2d 171, 174 (4th Cir. 1990) (discussing relevant factors for consideration prior to dismissal for failure to prosecute). See also Fed. R. Civ. P. 41(b).


By Order entered December 3, 2013, Plaintiff was notified of his responsibility to prosecute his case and he was provided fourteen (14) days from entry of the Order to provide the Court with his current address. (Doc. No. 10). This Order was mailed on December 3rd to Plaintiff's last known address. On December 11, 2013, the Clerk filed a notice that the Court's Order had been returned as undeliverable with a notation that Plaintiff was no longer at that address. (Doc. No. 11). To date, no information has been provided by Plaintiff regarding his current whereabouts.

IT IS, THEREFORE, ORDERED that Plaintiff's complaint is **DISMISSED** without prejudice for failure to prosecute. (Doc. No. 1).

IT IS FURTHER ORDERED that Plaintiff's motion to change venue is **DISMISSED** as moot. (Doc. No. 8).

The Clerk of Court is respectfully directed to close this case.

Signed: January 10, 2014


Robert J. Conrad, Jr.
United States District Judge

