

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:14-cv-00124-FDW**

ANTAUN K. SPENCER,)
)
 Plaintiff,)
)
 v.)
)
 KENNETH BEAVER, et al.,)
)
 Defendants.)
 _____)

ORDER

THIS MATTER is before the Court on consideration of Plaintiff’s complaint which is filed pursuant to 42 U.S.C. § 1983. Plaintiff, who was a prisoner of the State of North Carolina at the time he filed this complaint, raises allegations of, among other things, cruel and unusual punishment, by one or more of the named defendants.

According to the website of the North Carolina Department of Public Safety, Plaintiff was released from custody on August 6, 2014, however Plaintiff has not provided this Court with a current address such that this case may proceed. Plaintiffs have a general duty and responsibility to prosecute their cases, and this includes the obligation to provide the Court with a current address. See Carey v. King, 856 F.2d 1439, 1441 (9th Cir. 1988). Federal Rule of Civil Procedure 41(b) provides as follows:

(b) Involuntary Dismissal; Effect. 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. Unless the dismissal order states otherwise, a dismissal under this subdivision (b) and any dismissal not under this rule—except one for lack of jurisdiction, improper venue, or failure to join a party under Rule 19—operates as an adjudication on the merits.

The Clerk will be directed to send a copy of this Order to the last known address which is


on file with the Court. Plaintiff is directed to send a copy of his present address to the Clerk's Office within 14- days from entry of this Order, and he is warned that failure to do so will result of dismissal of this civil action and without further notice.

IT IS, THEREFORE, ORDERED that:

1. The Clerk shall send a copy of this Order to Plaintiff's last known address.
2. Plaintiff shall provide his new address to the Clerk's Office within 14-days from entry of this Order.
3. Failure to provide a current address within 14-days from entry of this Order will result in dismissal of this civil action and without further notice.
4. Plaintiff's motion to appoint counsel is **DENIED without prejudice**. (Doc. No. 4).

IT IS SO ORDERED.

Signed: March 7, 2015



Frank D. Whitney
Chief United States District Judge

