

**IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF OKLAHOMA**

JOSHUA J. LOONEY,

Plaintiff,

MATT LOCK, et al.,

Defendants.

No. CIV 11-254-RAW-SPS

OPINION AND ORDER

On July 29, 2011, plaintiff filed this complaint with a motion for leave to proceed *in forma pauperis*. The motion was granted on August 25, 2011, and on that same date the Court Clerk sent him USM-285 forms for the defendants, with instructions to complete and return the forms. The mail to plaintiff was returned on August 31, 2011, with a notation that plaintiff no longer was at the Muskogee County Jail. On September 2, 2011, plaintiff's copy of the Order Granting Leave to Proceed *In Forma Pauperis* also was returned to the court with a notation of "not here." The Court Clerk has confirmed by telephone that plaintiff no longer is incarcerated at the Muskogee County Jail.

Plaintiff has failed to advise the court of his current address, as required by Local Civil Rule 5.5(a). Therefore, this action is dismissed without prejudice for failure to prosecute. *See United States ex rel. Jimenez v. Health Net, Inc.*, 400 F.3d 853, 854-56 (10th Cir. 2005) (dismissing appeal sua sponte for failure to prosecute because appellant disappeared and failed to meet court deadlines).

ACCORDINGLY, this action is, in all respects, **DISMISSED WITHOUT PREJUDICE** for failure to prosecute.

IT IS SO ORDERED this 19th day of October 2011.



RONALD A. WHITE
UNITED STATES DISTRICT JUDGE