Smith v. Fallin et al Doc. 37

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

KENNETH RICHARD SMITH, SR.,	)	
	)	
Plaintiff,	)	
	)	
	)	**No. CIV 16-237-JHP-SPS**
	)	
MARY FALLIN, et al.,	)	
	)	
Defendants.	)	

OPINION AND ORDER

On January 26, 2017; January 27, 2017; and February 24, 2017, the Court entered minute orders in this civil rights case and mailed copies to Plaintiff at his last known address (Dkts. 29, 31, 35). On February 6, 2017; February 14, 2017; and March 6, 2017, the orders were returned to the Court by the U.S. Postal Service, marked "return to sender . . . unable to forward" (Dkts. 32, 33, 36). Plaintiff has failed to advise the Court of his current address, as required by Local Civil Rule 5.6(a):

> All papers shall contain the name, mailing address, daytime telephone number, fax number, and e-mail address, if any, of the attorney or *pro se* litigant. If any of this information changes, the attorney or *pro se* litigant must notify the Court by filing the form provided by the Clerk and serving a copy on opposing counsel or *pro se* parties. . . ."

Id.

Because Plaintiff has failed to comply with Local Civil Rule 5.6(a), 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 22nd day of May 2017.

James H. Payne
United States District Judge
Eastern District of Oklahoma

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