

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

|                                |   |                               |
|--------------------------------|---|-------------------------------|
| <b>GARY ALFORD,</b>            | ) |                               |
|                                | ) |                               |
| Petitioner,                    | ) |                               |
|                                | ) |                               |
| v.                             | ) | <b>No. CIV 17-268-RAW-KEW</b> |
|                                | ) |                               |
| <b>JERRY CHRISMAN, Warden,</b> | ) |                               |
|                                | ) |                               |
| Respondent.                    | ) |                               |

**OPINION AND ORDER**

On June 5, 2017, Petitioner filed this petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2241 in the United States District Court for the Western District of Oklahoma, challenging his loss of earned credits resulting from a misconduct conviction (Dkt. 1). He paid the filing fee on June 9, 2017 (Dkt. 7).

On June 14, 2017, the assigned Magistrate Judge in the Western District entered a Report and Recommendation, recommending that this action be transferred to the Eastern District of Oklahoma (Dkt. 8). Petitioner's copy of the Report and Recommendation, however, was returned by the United States Postal Service to the Western District as undeliverable on June 19, 2017 (Dkt. 9 at 5). According to the website for the Oklahoma Department of Corrections at <https://www.ok.gov/doc/>, Petitioner discharged his sentence on June 14, 2017. He has not advised the Court of his current address, as required by the Court's local rule:

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. . . .”

Local Civil Rule 5.6(a).<sup>1</sup> Because Petitioner has failed to comply with Local Civil Rule 5.6(a), this action shall be dismissed without prejudice for failure to prosecute. *See United States ex rel. Geminis 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 17th day of July 2017.



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**RONALD A. WHITE**  
**UNITED STATES DISTRICT JUDGE**

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<sup>1</sup> Local Civil Rule 5.4 for the United States District Court for the Western District of Oklahoma is identical to this Court’s Local Rule concerning changes of addresses.