

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA

James H. Davis, )  
 )  
 Plaintiff, )  
 )  
 vs. )  
 )  
 South Carolina Department of Corrections; )  
 Warden Cohen; Sgt. Smalls; Lt. Ayala; )  
 Captain Powell; Carl Eikeberger; James )  
 Matthews; Raymoone Mallory, )  
 )  
 Defendants. )  
 \_\_\_\_\_ )

Civil Action No. 4:13-02306-RBH

**ORDER**

Plaintiff James H. Davis, while a state prisoner and proceeding *pro se*, filed this civil rights action alleging constitutional claims against the Defendants. Plaintiff, however, did not provide adequate financial information with his in forma pauperis motion (ECF No. 2), and he incorrectly completed documents necessary for service. By Order dated November 7, 2013, Plaintiff was instructed to correct these deficiencies prior to December 5, 2013. ECF No. 11. The mail sent by the Court to Plaintiff, which enclosed the Order and necessary forms to bring the case into proper form, was returned to the Court on November 7, 2013, marked “return to sender.” ECF No. 15. In Plaintiff’s three other pending cases at that time, mail was also returned to the Court as undeliverable. *See* C/A No. 4:13-1500-RBH-TER (ECF No. 27); C/A No. 4:13-1508 (ECF No. 28); C/A No. 2:13-1646 (ECF No. 18). The record reflects that Plaintiff has not contacted this Court with notice of a change of address and has failed to keep his address current for purposes of receiving information about this case. Plaintiff had failed to pursue and prosecute this case, and pursuant to Rule 41 of the Federal Rules of Civil Procedure, this case should not remain open. *See Link v. Wabash Railroad Company*, 370 U.S. 626 (1962) (court has discretion to control docket of case).

**ORDERED** that Plaintiff's complaint is **DISMISSED** *without prejudice* and without issuance and service of process for failure to prosecute this action.

**IT IS SO ORDERED.**

s/R. Bryan Harwell  
R. Bryan Harwell  
United States District Judge

January 14, 2014  
Florence, South Carolina