

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
at CHATTANOOGA

VERNON N. DIXON,)
)
Plaintiff,)
)
v.)
)
MARION COUNTY, TN,)
SHERIFF RONNIE “BO” BURNETT,)
TAMMY MCALPIN, DR. SOWTER,)
)
Defendant.)

No. 1:11-CV-41
Chief Judge Curtis L. Collier

MEMORANDUM

Plaintiff Vernon N. Dixon (“Plaintiff”), a *pro se* prisoner, filed a civil rights complaint pursuant to 42 U.S.C. § 1983 (Court File No. 2). Presently before the Court is Defendants’ motion to dismiss the complaint for Plaintiff’s failure to prosecute and comply with the Court’s Orders (Court File No. 23).

In support of their motion, Defendants’ counsel avers he has attempted to serve pleadings and discovery requests upon Plaintiff by mailing copies to his last known address at the Hamilton County Jail, all of which have been returned, unserved, by the postal service with notations indicating Plaintiff is no longer at the Hamilton County Jail (Court File No. 24-1).

Notably, the Court mailed a memorandum and order to Plaintiff on October 28, 2011 (Court File No. 20). The memorandum and order was returned to the Court as undeliverable on November 4, 2011, with a notation that Plaintiff was no longer in custody (Court File No. 22). Although the Court is unable to discern the date on which Plaintiff was released from custody, the record, at the very least, reflects he was no longer in custody as of October 31, 2011.

As Defendants properly point out, Local Rule 83.13 requires *pro se* Plaintiffs to notify the Court upon a change of address. In addition, the Court's initial order warned Plaintiff that failure to provide a correct address to the Court within ten (10) days following any address change would result in the dismissal of his action (Court File No. 5).

Accordingly, Defendants' motion to dismiss will be **GRANTED** (Court File No. 23), and this action will be **DISMISSED** for Plaintiffs failure to prosecute and to comply with the orders of this Court. Fed. R. Civ. P. 41(b); *Jourdan v. Jabe*, 951 F.2d 108 (6th Cir. 1991).

A judgment will enter.

/s/ _____
CURTIS L. COLLIER
CHIEF UNITED STATES DISTRICT JUDGE