

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
AT CHATTANOOGA**

ANTONIO T. SMITH,

*Plaintiff,*

v.

D. COGBURN,

*Defendant.*

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No.: 1:14-cv-08-CLC-SKL

**MEMORANDUM**

On July 21, 2014, Plaintiff was ordered to complete and return the service packet for the defendant within 20 days. Plaintiff was forewarned that failure to return the completed service packet could jeopardize his prosecution of this action. Plaintiff's copy of that order, which was mailed to him at his last known address of Hamilton County Jail, was returned undelivered on July 25, 2014, with the notation "not in custody." Plaintiff bears the burden of prosecuting his action, which includes informing the Court of his correct mailing address, and he has not done so.

Accordingly, this action will be **DISMISSED WITHOUT PREJUDICE**, *sua sponte*, for 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). The Court will **CERTIFY** that any appeal from this action would not be taken in good faith and would be totally frivolous. *See* Fed. R. App. P. 24.

**AN APPROPRIATE ORDER WILL ENTER.**

**/s/**  
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**CURTIS L. COLLIER**  
**UNITED STATES DISTRICT JUDGE**