

(1) whether the party's failure is due to willfulness, bad faith, or fault; (2) whether the adversary was prejudiced by the dismissed party's conduct; (3) whether the dismissed party was warned that failure to cooperate could lead to dismissal; and (4) whether less drastic sanctions were imposed or considered before dismissal was ordered.

Wu v. T.W. Wang, Inc., 420 F.3d 641, 643 (6th Cir. 2005).

As to the first factor, the Court finds that Plaintiff's failure to timely return completed service packets was due to Plaintiff's willfulness or fault. Specifically, it appears that Plaintiff received the Court's screening order but chose not to comply or otherwise communicate with the Court. Also, if Plaintiff did not receive the Court's screening order because he failed to update the Court as to his current address, any such omission likewise is due to Plaintiff's willfulness or fault, as the Court previously warned him of the requirement that he notify the Court of any address change within fourteen days. (Docs. 3; 4, at 5.) As to the second factor, the Court finds that Plaintiff's failure to comply with the Court's order has not prejudiced Defendants, as they have not been served. As to the third factor, as noted above, the Court's screening order warned Plaintiff that failure to timely return completed service packets would result in dismissal of this action (Doc. 6, at 6) and the Court previously warned Plaintiff that failure to timely notify the Court of any address change may result in dismissal (Doc. 3). Finally, as to the fourth factor, the Court finds that alternative sanctions are not warranted, as Plaintiff is proceeding *in forma pauperis* herein and has failed to comply with the Court's clear instructions. On balance, the Court finds that these factors support dismissal of this action under Rule 41(b).

The Court also notes that, "while *pro se* litigants may be entitled to some latitude when dealing with sophisticated legal issues, acknowledging their lack of formal training, there is no cause for extending this margin to straightforward procedural requirements that a layperson can comprehend as easily as a lawyer." *Jourdan v. Jabe*, 951 F.2d 108, 109 (6th Cir. 1991).

Nothing about Plaintiff's *pro se* status prevented him from complying with the Court's screening order (Doc. 5), and Plaintiff's *pro se* status does not mitigate the balancing of factors under Rule 41(b).

Accordingly, this action will be **DISMISSED** for want of prosecution pursuant to Rule 41(b). The Court **CERTIFIES** that any appeal from this action would not be taken in good faith and would be totally frivolous. Fed. R. App. P. 24.

AN APPROPRIATE JUDGMENT ORDER WILL ENTER.

SO ORDERED.

/s/ Travis R. McDonough
TRAVIS R. MCDONOUGH
UNITED STATES DISTRICT JUDGE