

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

KENNETH RUTHERFORD,

Plaintiff,

v.

No.: 3:12-cv-237
Phillips

CLAIBORNE COUNTY JUSTICE CENTER,

Defendant.

MEMORANDUM

This is a *pro se* prisoner's civil rights action pursuant to 42 U.S.C. § 1983. On May 22, 2012, the Court entered a deficiency order requiring plaintiff to either pay the filing fee or submit the necessary documents to proceed *in forma pauperis*. Plaintiff's copy of that order, which was mailed to him at his last known address of the Claiborne County Jail, was returned undelivered on May 29, 2012, with the notation "no longer here." 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 WITH PREJUDICE** for plaintiff's failure to prosecute and to comply with the orders of the 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. Fed. R. App. P. 24.

AN APPROPRIATE ORDER WILL ENTER.

s/ Thomas W. Phillips
United States District Judge