

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
AT KNOXVILLE

ROBERT J. ATKINS #62997,

Plaintiff,

v.

3:13-cv-189

AVERY JOHNSON, et al.,

Defendants.

**MEMORANDUM**

This is a *pro se* prisoner's civil rights action pursuant to 42 U.S.C. § 1983. On May 6, 2013, the court denied plaintiff's application to proceed *in forma pauperis* and gave plaintiff 30 days within which to pay the filing fee. Plaintiff's copy of that order, which was mailed to him at his last known address of the Anderson County Detention Facility, was returned undelivered on May 13, 2013 with the notation "return to sender not at this facility." 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. 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/Harry S. Mattice, Jr.*  
HARRY S. MATTICE, JR.  
UNITED STATES DISTRICT JUDGE