Roberts v. Seals et al Doc. 5

UNITED STATES DISTRICT COURT EASTERN DISTRICT OF TENNESSEE AT KNOXVILLE

RICHARD JOE ROBERTS,

Plaintiff,

v. No.: 3:13-cv-546

(MATTICE/SHIRLEY)

RONALD SEALS, et al.,

Defendants.

MEMORANDUM

This is a pro se prisoner's civil rights action pursuant to 42 U.S.C. § 1983. On

October 4, 2013, the Clerk's Office mailed the service packets to plaintiff at his last known

address of Sevier County Jail. The mail was returned undelivered on October 21, 2013, with

the notations "return to sender" and "not here." Plaintiff bears the burden of prosecuting his

action, which includes informing the Court of his correct mailing address, and he has not

done. 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