



it is well-settled that the district court can enter a sue sponte order of dismissal under Rule 41(b).” (citing *Link v. Wabash R.R.*, 370 U.S. 626, 630 (1962))). The Court examines four factors when considering dismissal under Fed. R. Civ. P. 41(b):

(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).

The Court first finds that Plaintiff’s failure to timely comply with the Court’s Order was due to Plaintiff’s willfulness or fault, as he failed to follow explicit orders of the Court. Second, the Court finds Plaintiff’s failure to comply with the Court’s Order has prejudiced Defendants, who have spent significant time and resources litigating this case, including filing a motion for summary judgment [Doc. 44]. Third, Plaintiff was expressly warned on numerous occasions that failure to timely report his change of address would result in the dismissal of this action [Doc. 5; Doc. 12 p. 8; Doc. 14 p. 6; Doc. 16 p. 2; Doc. 28 p. 3; Doc. 33 p. 2]. Finally, the Court concludes that alternative sanctions are not warranted, as Plaintiff has ignored the repeated, explicit instructions of the Court.

Moreover, “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). Plaintiff’s *pro se* status did not prevent him from complying with the Court’s Order, and Plaintiff’s *pro se* status does not mitigate the balancing of factors under Rule 41(b).

Accordingly, this action will be **DISMISSED** pursuant to Rule 41 of the Federal Rules of Civil Procedure, and all pending motions will be **DENIED** as moot.

Finally, the Court **CERTIFIES** that any appeal from this action would not be taken in good faith and would be totally frivolous. 28 U.S.C. § 1915(a)(3); Fed. R. App. P. 24(a).

**AN APPROPRIATE JUDGMENT ORDER WILL ENTER.**

**SO ORDERED.**

*/s/ Charles E. Atchley, Jr.*  
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**CHARLES E. ATCHLEY, JR.**  
**UNITED STATES DISTRICT JUDGE**