

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

ROY CAMPANELLA MOSLEY,)	
)	
Plaintiff,)	
)	
VS.)	No. 17-2168-JDT-cgc
)	
MYRON L. BATTIS, ET AL.,)	
)	
Defendants.)	

ORDER DISMISSING CASE WITHOUT PREJUDICE,
CERTIFYING AN APPEAL WOULD NOT BE TAKEN IN GOOD FAITH,
AND DENYING LEAVE TO APPEAL *IN FORMA PAUPERIS*

The *pro se* prisoner Plaintiff, Roy Campanella Mosley, filed this civil action while he was incarcerated at the Federal Correctional Institution in Memphis, Tennessee. On March 10, 2017, the Court granted leave to proceed *in forma pauperis* and assessed the filing fee pursuant to 28 U.S.C. §§ 1915(a)-(b). (ECF No. 4.) The Court also ordered Mosley to promptly notify the Court of any change of address and warned that failure to do could result in the case being dismissed without further notice. (*Id.* at PageID 20.)

The Court subsequently dismissed the case for failure to state a claim pursuant to 28 U.S.C. §§ 1915(e)(2)(B)(ii) and 1915A(b)(1) and entered judgment. (ECF Nos. 9 & 10.) On appeal, the Sixth Circuit Court of Appeals vacated the judgment and remanded for this Court to give Mosley the opportunity to file an amended complaint. *Mosley v. Batts*, No. 19-5355, 2019 WL 8399882 (6th Cir. Nov. 19, 2019). The case was duly

re-opened and Mosley was granted leave to amend (ECF No. 17); the Court also granted two extensions of time to amend. (ECF Nos. 19 & 21.)

On March 23, 2020, Mosley filed another motion for extension of time, stating the prior orders all “seem[] to reach him near or after the time the court has allowed.” (ECF No. 24 at PageID 95.) He did not, however, include a proposed amendment. In addition, Mosley filed a motion on June 15, 2020, asking the Court to stay the case until he can obtain counsel. (ECF No. 25.) At the time, he was incarcerated at the U.S. Penitentiary in Atlanta, Georgia (USP Atlanta). (*Id.* at PageID 106.)

A search of the Federal Bureau of Prisons inmate locator shows Mosley is no longer incarcerated at USP Atlanta. The most basic responsibility of a litigant is to keep the Court advised of his whereabouts, and Mosley did notify the Court of three prior changes of address. (ECF No. 6 at PageID 26; ECF No. 20 at PageID 81; ECF No. 24-1 at PageID 105.) Despite that previous compliance, Mosley has failed to provide a current address. He therefore appears to have abandoned this action. Consequently, the case is DISMISSED WITHOUT PREJUDICE in its entirety for failure to comply with the Court’s March 10, 2017 order, pursuant to Federal Rule of Civil Procedure 41(b).

It is CERTIFIED that an appeal in this matter by Mosley would not be taken in good faith. Leave to appeal *in forma pauperis* is DENIED.

The Clerk is directed to prepare a judgment.

IT IS SO ORDERED.

s/ **James D. Todd**
JAMES D. TODD
UNITED STATES DISTRICT JUDGE