

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

FREDERICK JORDAN BATTS,
(TDCJ-CID #1460809)

Petitioner,

vs.

WILLIAM STEPHENS,

Respondent.

§
§
§
§
§
§
§
§
§
§

CIVIL ACTION NO. H-13-2034

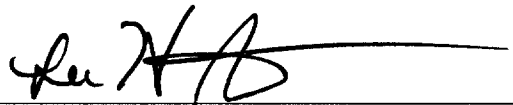
MEMORANDUM AND OPINION

Copies of the court's order, (Docket Entry No. 13), were mailed to the petitioner, Frederick Jordan Batts, at the address on record for him. The record indicates that the postal service returned the order as undeliverable. The court has confirmed through telephone inquiry that the petitioner has been released on parole.

Under Local Rule 83.4, a party, including one representing himself, is responsible for keeping the Clerk of Court advised of his current address. The court can send notices only to the address on file. The petitioner has failed to provide the court with an accurate, current address. Dismissal for want of prosecution is appropriate. *See* FED. R. CIV. P. 41(b); *Link v. Wabash R.R.*, 370 U.S. 626 (1962); *Woodson v. Surgitek, Inc.*, 57 F.3d 1406, 1417 (5th Cir. 1995); 8 J. MOORE, FEDERAL PRACTICE § 41.51(3)(b) & (e) (3d ed. 1998). On a proper showing, the petitioner may obtain relief from this order under Rule 60(b) of the Federal Rules of Civil Procedure. *See Link*, 370 U.S. at 635.

This action is dismissed without prejudice for want of prosecution. This court's order for the respondent to answer, (Docket Entry No. 5), is vacated.

SIGNED on December 10, 2013, at Houston, Texas.

A handwritten signature in black ink, appearing to read "Lee H. Rosenthal", written over a horizontal line.

Lee H. Rosenthal
United States District Judge