

United States District Court
Southern District of Texas

ENTERED

January 04, 2017

David J. Bradley, Clerk

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

BRIAN ALBERT,
(SPN #02206687),

Plaintiff,

VS.

DEPUTY BROWN, *et al.*,

Defendants.

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CIVIL ACTION NO. H-16-1177

MEMORANDUM AND OPINION

The plaintiff has not responded to this court’s order entered on October 5, 2016, which required him to submit by November 8, 2016 a more definite statement of the facts on which his complaint is based. (Docket Entry No. 14). The court granted the plaintiff an extension of time until December 20, 2016. (Docket Entry No. 16). The court’s order specifically provided that failure to comply as directed may result in the dismissal of this action. With regard to this court’s Order for More Definite Statement, the court must have clear answers to each of its questions before it can evaluate the merits of the plaintiff’s claims. The plaintiff’s failure to comply with this court’s order forces this court to conclude that he lacks due diligence.

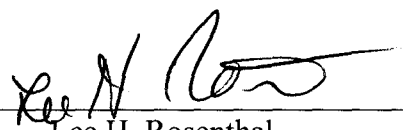
The court has learned through online research that the plaintiff is no longer confined at the Harris County Jail, the only address on file for the plaintiff. Under Local Rule 83.4, a pro se litigant is responsible for keeping the Clerk advised in writing of his current address. The court will send notices only to the address on file. The plaintiff has failed to provide the court with an accurate, current address.

Under the inherent powers necessarily vested in a court to manage its own affairs, this court

determines that 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 ET AL., MOORE'S FEDERAL PRACTICE § 41.51(3)(b) & (e) (3d ed. 2010). Upon a proper showing, relief from this order may be granted in accordance with FED. R. CIV. P. 60(b). *See Link*, 370 U.S. at 635.

This action is dismissed without prejudice for want of prosecution.

SIGNED on January 3, 2017, at Houston, Texas.

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

Lee H. Rosenthal
Chief United States District Judge