

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**

CLAUDE A. PENKINS,

Plaintiff,

v.

Civil Action No. 3:21cv629

SGT. WINDSOR, et al.,

Defendants.

MEMORANDUM OPINION

By Memorandum Order entered on October 15, 2021, the Court conditionally docketed Plaintiff's action. (ECF No. 2.) On October 25, 2021, the United States Postal Service returned the October 15, 2021 Memorandum Order to the Court marked, "RETURN TO SENDER" and "ADDRESSEE NOT IN OUR FACILITY." (ECF No. 3.) Since that date, Plaintiff has not contacted the Court to provide a current address. Plaintiff's failure to contact the Court and provide a current address indicates his lack of interest in prosecuting this action. *See* Fed. R. Civ. P. 41(b).¹ Accordingly, the action will be DISMISSED WITHOUT PREJUDICE.

An appropriate Order shall accompany this Memorandum Opinion.

Date: 11-18-21
Richmond, Virginia



M. Hannah Lauck
United States District Judge

¹ This Rule allows for dismissal of an action or claim "[i]f the plaintiff fails to prosecute or to comply with [the Federal Rules of Civil Procedure] or a court order." Fed R. Civ. P. 41(b).