

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION**

**DAVID JOEL BONHAM,
Plaintiff,**

Civil Action No. 7:14-cv-00460

v.

MEMORANDUM OPINION

**MR. BOBBY RUSSELL, ET AL.,
Defendants.**

**By: James P. Jones
United States District Judge**

David Joel Bonham, proceeding pro se, filed a civil rights complaint, pursuant to 42 U.S.C. § 1983, while incarcerated. By its Order entered August 28, 2014, the court advised plaintiff that a failure to update a mailing address after a transfer or release from incarceration will result in dismissal of this action.

The court's mail to plaintiff has been returned as undeliverable, and plaintiff has not contacted the court since September 9, 2014. Plaintiff failed to comply with the court's Order requiring plaintiff to maintain an accurate mailing address. Therefore, the court finds that plaintiff failed to prosecute this action, pursuant to Federal Rule of Civil Procedure 41(b), by not complying with the court's September 28, 2014, Order. Accordingly, I dismiss the action without prejudice and deny all pending motions as moot. *See Ballard v. Carlson*, 882 F.2d 93, 96 (4th Cir. 1989) (stating pro se litigants are subject to time requirements and respect for court orders and dismissal is an appropriate sanction for non-compliance); *Donnelly v. Johns-Manville Sales Corp.*, 677 F.2d 339, 340-41 (3d Cir. 1982) (recognizing a district court may sua sponte dismiss an action pursuant to Fed. R. Civ. P. 41(b)).

The Clerk is directed to send copies of this Memorandum Opinion and the accompanying Order to the parties.

ENTER: September 24, 2014

/s/ James P. Jones
United States District Judge

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION**

DAVID JOEL BONHAM,
Plaintiff,

Civil Action No. 7:14-cv-00460

v.

ORDER

MR. BOBBY RUSSELL, *ET AL.*,
Defendants.

By: James P. Jones
United States District Judge

In accordance with the written Memorandum Opinion entered this day, it is hereby

ORDERED

that this action is **DISMISSED without prejudice**, pursuant to Fed. R. Civ. P. 41(b); all pending motions are **DENIED as moot**; and the action is **STRICKEN** from the active docket of the court.

The Clerk is directed to send copies of this Order and the accompanying Memorandum Opinion to the parties.

ENTER: September 24, 2014

/s/ James P. Jones
United States District Judge