

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

LYNELL HILL,	)	
	)	
Plaintiff,	)	Case No. 7:15CV00088
	)	
v.	)	OPINION
	)	
JOHN WALRATH, et al.,	)	By: James P. Jones
	)	United States District Judge
Defendants.	)	

Lynell Hill, proceeding pro se, filed a civil rights complaint, pursuant to 42 U.S.C. § 1983, while incarcerated at Red Onion State Prison. By its Order entered March 2, 2015, the court advised Hill 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 Hill has been returned as undeliverable, and Hill has not contacted the court since March 20, 2015. Moreover, online records of the Virginia Department of Corrections indicate that Hill is no longer incarcerated at any VDOC facility. Therefore, I conclude that Hill has failed to comply with the court's Order of March 2, 2015. requiring him to maintain an accurate mailing address and has, thus, failed to prosecute this action, pursuant to Federal Rule of Civil Procedure 41(b). Accordingly, I will dismiss the action without prejudice

and deny the pending motion as moot.<sup>1</sup> *See Ballard v. Carlson*, 882 F.2d 93, 95-96 (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 without prejudice an action pursuant to Fed. R. Civ. P. 41(b)).

A separate Final Order will be entered herewith.

DATED: August 6, 2015.

/s/ James P. Jones  
United States District Judge

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<sup>1</sup> In the one motion currently pending in this case, Hill moved to consolidate this case with a prior case which has already been dismissed.