

No. _____

IN THE

SUPREME COURT OF THE UNITED STATES
U.S. COURT OF APPEALS FOR THE SIXTH CIRCUIT

ANDREW FIELDS III — PETITIONER
(Your Name)

VS.

FEDERAL BUREAU OF PRISONS ET AL — RESPONDENT(S)

PROOF OF SERVICE

I, ANDREW FIELDS III, do swear or declare that on this date, MARCH 31, 2023, as required by Supreme Court Rule 29 I have served the enclosed MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS* and PETITION FOR A WRIT OF CERTIORARI on each party to the above proceeding or that party's counsel, and on every other person required to be served, by depositing an envelope containing the above documents in the United States mail properly addressed to each of them and with first-class postage prepaid, or by delivery to a third-party commercial carrier for delivery within 3 calendar days.

The names and addresses of those served are as follows:

SOLICITOR GENERAL OF THE UNITED STATES, ROOM 5614, DEPARTMENT OF JUSTICE,
950 PENNSYLVANIA AVE., N.W., WASHINGTON, D.C. 20530-0001

I declare under penalty of perjury that the foregoing is true and correct.

Executed on April 1, 2023

Andrew Fields III
(Signature)

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF KENTUCKY
LOUISVILLE DIVISION

ANDREW FIELDS III

Plaintiff

v.

Civil Action No. 3:20-CV-P705-RGJ

PATRICK J. BOULDIN, *et al.*

Defendants

* * * * *

MEMORANDUM

Plaintiff Andrew Fields III filed the instant *pro se* 42 U.S.C. § 1983 action. The Clerk of Court mailed Plaintiff an Order entered in this case on December 7, 2020 (DN 7). However, the mailing was returned by the United States Postal Service marked “Return to Sender, Attempted – Not Known, Unable to Forward” indicating that Plaintiff no longer resides at his address of record (DN 8).

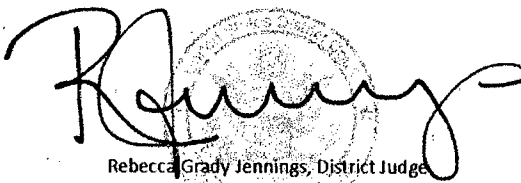
Upon filing the instant action, Plaintiff assumed the responsibility of keeping this Court advised of his current address and to actively litigate his claims. *See* LR 5.3(e) (“All *pro se* litigants must provide written notice of a change of residential address . . . to the Clerk and to the opposing party or the opposing party’s counsel. Failure to notify the Clerk of an address change may result in the dismissal of the litigant’s case or other appropriate sanctions.”). Rule 41(b) of the Federal Rules of Civil Procedure authorizes the involuntary dismissal of an action if a plaintiff fails to prosecute or to comply with an order of the court. *See Jourdan v. Jabe*, 951 F.2d 108, 109 (6th Cir. 1991) (“Fed. R. Civ. P. 41(b) recognizes the power of the district court to enter a *sua sponte* order of dismissal.”). Although federal courts afford *pro se* litigants some leniency on matters that require legal sophistication, such as formal pleading rules, the same policy does not support leniency from court deadlines and other procedures readily understood by

laypersons, particularly where there is a pattern of delay or failure to pursue a case. *Id.* at 110. “Further, the United States Supreme Court has recognized that courts have an inherent power to manage their own affairs and may dismiss a case sua sponte for lack of prosecution.” *Lyons-Bey v. Pennell*, 93 F. App’x 732, 733 (6th Cir. 2004) (citing *Link v. Wabash R.R. Co.*, 370 U.S. 626, 630-31 (1962)).

Plaintiff apparently no longer resides at the address he provided to the Court, and he has not advised the Court of a current address. Therefore, neither notices from this Court nor filings by Defendants in this action can be served on Plaintiff. Because Plaintiff has failed to comply with this Court’s Local Rules by failing to provide written notice of a change of address, the Court concludes that this case must be dismissed for lack of prosecution. *See, e.g., White v. City of Grand Rapids*, 34 F. App’x 210, 211 (6th Cir. 2002) (“[Plaintiff’s] complaint was subject to dismissal for want of prosecution because he failed to keep the district court apprised of his current address.”).

The Court will enter a separate Order dismissing the case. This matter could be reopened if so requested in a timely manner.

Date: May 5, 2021



Rebecca Grady Jennings, District Judge
United States District Court

cc: Plaintiff, *pro se*
Defendants

A961.010