

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

TERRY OUTLAND BEY,

Plaintiff,

vs.

CIVIL ACTION
No. 03-3244-SAC

PAULA HOFAKER, et al.,

Defendants.

ORDER

By an order entered on June 21, 2005 (Doc. 7), the court granted plaintiff ten days to show cause why this matter should not be dismissed for lack of prosecution.

On June 28, 2005, the copy of the order mailed to plaintiff was returned to the clerk of the court as undeliverable (Doc. 8). There has been no other response.

The court finds plaintiff has failed to comply with the rules of the court by failing to report a change of address, see D. Kan. R. 5.1(c), and further finds that he has been afforded sufficient notice of the court's intention to dismiss this matter in the absence of a timely response from him. See Theede v. U.S. Department of Labor, 172 F.3d 1262 (10th Cir.

1999)(affirming dismissal where pro se plaintiff's failure to object to magistrate judge's recommendation of dismissal was due to plaintiff's failure to inform the court of his correct address).

IT IS THEREFORE ORDERED this matter is dismissed for lack of prosecution.

IT IS FURTHER ORDERED plaintiff's pending motion (Doc. 3) is denied as moot.

A copy of this order shall be mailed to plaintiff at his last known address.

IT IS SO ORDERED.

Dated at Topeka, Kansas, this 11th day of July, 2005.

S/ Sam A. Crow
SAM A. CROW
United States Senior District Judge