

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

DARRELL MARUSKA,

Plaintiff,

vs.

CIVIL ACTION
No. 05-3126-SAC

SEDGWICK COUNTY JAIL, et al.,

Defendants.

ORDER

By an order entered on June 21, 2005 (Doc. 12), the court granted plaintiff ten days to show cause why this matter should not be dismissed for lack of prosecution.

On June 29, 2005, the copy of the order mailed to plaintiff was returned to the clerk of the court as undeliverable (Doc. 13). There has been no other response.

The court finds plaintiff has failed to comply with the rules of this 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 motions (Docs. 2, 3, 5, and 7) are denied as moot.

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

IT IS SO ORDERED.

DATED: This 11th day of July, 2005, at Topeka, Kansas.

S/ Sam A. Crow
SAM A. CROW
U.S. Senior District Judge