IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

JAMES NEAL WILLIAMS,

Plaintiff,

vs. **CIVIL ACTION No. 05-3231-SAC**

CHARLES SIMMONS, et al.,

Defendants.

ORDER

By an order entered on February 3, 2006 (Doc. 9), the court granted plaintiff to and including February 24, 2006, to file an amended complaint. Plaintiff was advised that the failure to file a timely response might result in the dismissal of this action without additional notice.

On February 7, 2006, the copy of the order transmitted to the plaintiff was returned as undeliverable and was remailed to a new address (Doc. 10). On February 13, 2006, the remailed copy of the order was returned as undeliverable (Doc. 11).

There has been no response from the plaintiff, and the court concludes this matter may be dismissed. See Theede v.

U.S. Department of Labor, 172 F.3d 122 (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 motion for leave to proceed in forma pauperis (Doc. 2) 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 28th day of February, 2006.

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