

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

KENNETH CALDWELL,

Plaintiff,

v.

CASE NO. 09-3242-SAC

KANSAS DEPARTMENT OF CORRECTIONS, et al.,

Defendants.

O R D E R

Plaintiff proceeds pro se and in forma pauperis on a complaint filed under 42 U.S.C. § 1983 while a prisoner in a Kansas correctional facility. By an order entered September 23, 2010, the court granted plaintiff thirty days to amend the complaint to avoid summary dismissal of the complaint pursuant to 28 U.S.C. § 1915(e)(2)(B), based on deficiencies identified by the court. The record reflects that plaintiff filed no response, and that the copy of the court order mailed to plaintiff was returned as undelivered mail with no forwarding address.

The court thus finds the complaint should be dismissed for reasons identified by the court in its previous order, and plaintiff's failure to notify the court of his current mailing address. See Rule 5.1(c) of the Rules of Practice and Procedure for the District of Kansas which requires that "[e]ach...party appearing pro se is under a continuing duty to notify the clerk in writing of any change of address or telephone number. Any notice mailed to the

last address of record of an attorney or a party appearing pro se shall be sufficient notice."

IT IS THEREFORE ORDERED that the complaint is dismissed pursuant to 28 U.S.C. § 1915(e)(2)(B).

IT IS SO ORDERED.

DATED: This 28th day of October 2010 at Topeka, Kansas.

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