

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

EMMANUEL LEE ROSS,

Plaintiff,

v.

CASE NO. 17-3133-SAC-DJW

SALLY D. POKORNY, et al.,

Defendants.

ORDER OF DISMISSAL

By its Order entered on August 29, 2017, the Court granted plaintiff to and including September 11, 2017, to show cause why this matter should not be dismissed for lack of prosecution. The order mailed to plaintiff was returned as undeliverable on September 7, 2017, and plaintiff has not responded.

Plaintiff has failed to comply with the requirement that a party notify the clerk of the court of a change of address in writing. D.Kan.5.1(c)(3). The Court therefore concludes this matter may be dismissed without prejudice to refiling. See *Theede v. U.S. Dept. of Labor*, 172 F.3d 1262, 1267 (10th Cir. 1999).

IT IS, THEREFORE, BY THE COURT ORDERED this matter is dismissed without prejudice.

IT IS FURTHER ORDERED plaintiff's combined motion to proceed in forma pauperis and motion to appoint counsel (Doc. #2) is denied.

IT IS SO ORDERED.

DATED: This 19th day of September, 2017, at Topeka, Kansas.

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