

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS**

JOSEPH JOHN SHIPPS,

Plaintiff,

v.

CASE NO. 19-3223-SAC

DAVID GROVES, et al.,

Defendants.

ORDER TO SHOW CAUSE

This matter is a civil rights action filed under 28 U.S.C. § 1983. Plaintiff commenced this action while held at the Scott County Jail, Benton, Missouri. On December 20, 2019, the Court issued a Notice and Order to Show Cause (NOSC) directing plaintiff to show cause why this matter should not be dismissed for failure to state a claim for relief. On January 2, 2020, the copy of the NOSC mailed to plaintiff was returned as undeliverable.

Under Rule 41(b) of the Federal Rules of Civil Procedure, when a plaintiff "fails to prosecute or to comply with these rules or a court order," the Court may dismiss the matter. See Fed. R. Civ. P. 41(b). The U.S. Court of Appeals for the Tenth Circuit has "consistently interpreted Rule 41(b) to permit courts to dismiss actions sua sponte for a plaintiff's failure to prosecute." *Huggins v. Supreme Court of the U.S.*, 480 Fed.Appx. 915, 916-17 (10th Cir. 2012) (internal quotation marks omitted). Where a matter is dismissed without prejudice, no "particular procedure[]" is required. *AdvantEdge Bus. Grp. v. Thomas E. Mestmaker & Assocs., Inc.*, 552 F.3d 1233, 1236 (10th Cir. 2009) (internal quotation marks omitted).

As a party to this action, plaintiff has a duty to notify the

clerk of the court in writing of a change of address. D. Kan. R. 5.1(c)(3). Because plaintiff has failed to comply with that rule, this matter cannot proceed. Plaintiff is directed to show cause on or before **January 21, 2020**, why this matter should not be dismissed due to his failure to provide a current address to the clerk of the court.

IT IS, THEREFORE, BY THE COURT ORDERED plaintiff is granted to and including **January 21, 2020**, to show cause why this matter should not be dismissed without prejudice.

IT IS SO ORDERED.

DATED: This 3d day of January, 2020, at Topeka, Kansas.

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