

an enlargement of time to comply with the July 26, 2007 Order. Copies of the September 6, 2007 Order which were mailed to the Plaintiff at the same last known address were likewise returned as undeliverable. See Docs. 62 & 63.

Furthermore, in their motion for an enlargement of time, counsel for the Remaining Defendants states that upon making a telephone call to Plaintiff's last known address (a Philadelphia residential program), counsel was informed that Trinsey was not a resident and that no forwarding address was available. See Doc. 58, ¶ 5. Counsel added that the Remaining Defendants have not been provided with a forwarding address by the Plaintiff. See id. at ¶ 7

Discussion

On March 29, 2005, Trinsey was provided with a copy of this Court's Standing Practice Order which provides in relevant part as follows:

A pro se plaintiff has the affirmative obligation to keep the court informed of his or her address. Should such address change in the course of this litigation, the plaintiff shall immediately inform the court of such change, in writing. If the court is unable to communicate with the plaintiff because the plaintiff has failed to notify the court of his or her address the plaintiff will be deemed to have abandoned the lawsuit.

Doc. 3, p. 4.

When a plaintiff fails to prosecute a case or comply with an order of court, dismissal of his action is appropriate. See

Federal Rule of Civil Procedure 41(b); Link v. Wabash Railroad Co., 370 U.S. 626, 629 (1962). A review of the record reveals that Trinsey has not advised this Court of his most recent change of address. Consequently, he has clearly failed to comply with a requirement of the Court's Standing Practice Order.

Moreover, Trinsey's failure has prevented the resolution of this matter. The inability of this Court to communicate with Plaintiff is solely the result of his own inaction and prevents the taking of any other sanctions. See Poulis v. State Farm, 747 F. 2d 863 (3d Cir. 1984). Since Trinsey's present whereabouts are unknown, it would be a waste of judicial resources to allow this action to continue.

This Court is satisfied that based on the present circumstances, dismissal of this action without prejudice for failure to prosecute is warranted. However, in the event that Trinsey provides this Court with his current address within a reasonable time period, this determination will be reconsidered. An appropriate order will enter.

AND NOW THIS 15th DAY OF OCTOBER, 2007 IT IS HEREBY ORDERED THAT:

1. Plaintiff's action is dismissed without prejudice for failure to prosecute.

2. The Clerk of Court is directed to close this case.
3. Any appeal from this Order will be deemed frivolous, without probable cause and not taken in good faith.



RICHARD P. CONABOY
United States District Judge