

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
EVANSVILLE DIVISION**

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|----------------------|---|-------------------------------|
| WILLIE GENE MAFFETT, |) | |
| |) | |
| Plaintiff, |) | |
| v. |) | Case No. 3:12-cv-0194-TWP-WGH |
| |) | |
| OFFICER NALLEY, |) | |
| |) | |
| Defendant. |) | |

ENTRY AND ORDER DISMISSING ACTION

This matter is before the Court on Defendant Officer Nalley’s Motion for Summary Judgment (Dkt. 35). Plaintiff Willie Gene Maffett’s (“Mr. Maffett”) *pro se* claim alleges excessive force against him by Officer Nalley in his individual capacity. For the reasons stated below, Officer Nalley’s motion is **GRANTED**.

I. DISCUSSION

On January 15, 2014, Officer Nalley filed his Motion for Summary Judgment and simultaneously filed notice regarding Mr. Maffett’s Right to Respond and to Submit Evidence in Opposition (Dkt. 37). Mr. Maffett did not properly respond to the summary judgment motion, failed to appear for a status conference held on March 24, 2014 and mail sent to his last known address was returned as undeliverable. Records from the Indiana Department of Correction show that Mr. Maffett has been released from prison. “The duty to inform the Court and defendants of any change of address is ‘an obligation that rests with all *pro se* plaintiffs.’” *Alomar v. Recard*, 2010 WL 451047, at *2 (S.D.N.Y. Feb. 9, 2010) (quoting *Handlin v. Garvey*, 1996 WL 673823, at *5 (S.D.N.Y. Nov. 20, 1996)). Mr. Maffett has not honored his obligation.

As noted above, Mr. Maffett has not properly responded to Officer Nalley’s summary judgment motion in this civil rights action. Officer Nalley has shown through his motion that

he did not use constitutionally excessive force while arresting Mr. Maffett at 1629 South Bedford Avenue, Evansville, Indiana on October 31, 2012 because the force used to effectuate that arrest was objectively reasonable. Officer Nalley has also shown in the motion for summary judgment that there is no viable claim asserted in the Amended Complaint. Accordingly, Officer Nalley is entitled to the entry of summary judgment.

II. CONCLUSION

For the reasons explained in this Entry, Officer Nalley's Motion for Summary Judgment (Dkt. 35) is **GRANTED**.

Judgment consistent with this Entry shall now issue.

SO ORDERED.

Date: 06/05/2014

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Hon. Tanya Walton Pratt, Judge
United States District Court
Southern District of Indiana