

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
NORTHERN DIVISION**

ROBERT W. BYRD,

PLAINTIFF

v.

1:09CV00052-WRW-JJV

**RHONDA DOWELL,
Administrator, Independence
County Jail; ROBERT BARNETT,
Nurse, Independence County Jail; and
RICHARD SHEPARD, Sgt., Independence
County Jail**

DEFENDANTS

ORDER

On October 13, 2009, Plaintiff, Robert Byrd, filed a *pro se* complaint pursuant to 42 U.S.C. § 1983 alleging Defendants were deliberately indifferent to his serious medical needs. (Doc. No. 2). Defendants filed a Motion for Summary Judgment on March 29, 2010 (Doc. No. 15), and Plaintiff was granted thirty (30) days in which to file a response (Doc. No. 18). Plaintiff never responded, and on April 29, 2010, defense counsel advised U.S. Magistrate Judge Volpe that Plaintiff had been hospitalized and was in a coma. On December 20, 2010, Judge Volpe inquired about Plaintiff's status. Defense counsel attempted to locate Plaintiff but was unsuccessful.

Although this cause of action could be dismissed pursuant to Local Rule 5.5(c), given the particular circumstances of this case, the Court finds that this action should be administratively closed. Plaintiff or his representative may seek to reopen this action at a later date by filing a motion to reopen. Therefore, the Clerk of Court is hereby directed to administratively close this file.

IT IS SO ORDERED this 14th day of January, 2011.

/s/Bill Wilson
UNITED STATES DISTRICT JUDGE