

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

**FRANCES RENEE PERRY/MILLER
ADC # 708998**

PLAINTIFF

V.

CASE NO. 1:09CV00064 BSM/BD

LARRY NORRIS, *et al.*

DEFENDANTS

RECOMMENDED DISPOSITION

I. Procedure for Filing Objections

The following Recommended Disposition has been sent to United States District Judge Brian S. Miller. Any party may serve and file written objections to this recommendation. Objections should be specific and should include the factual or legal basis for the objection. If the objection is to a factual finding, specifically identify that finding and the evidence that supports your objection. An original and one copy of your objections must be received in the office of the United States District Court Clerk no later than fourteen (14) days from the date you receive the Recommended Disposition. A copy will be furnished to the opposing party. Failure to file timely objections may result in waiver of the right to appeal questions of fact.

Mail your objections and "Statement of Necessity" to:

Clerk, United States District Court
Eastern District of Arkansas
600 West Capitol Avenue, Suite A149
Little Rock, AR 72201-3325

II. Background

On November 30, 2009, Plaintiff brought this action pro se under 42 U.S.C. § 1983 (docket entry #1). Upon review of the record, the Court noted that Plaintiff had not filed a motion to proceed *in forma pauperis* or paid the statutory filing fee.

On December 2, 2009, this Court ordered Plaintiff to submit a motion to proceed *in forma pauperis* or pay the statutory filing fee within thirty (30) days from the entry of the December 2, 2009 Order (#2). In addition, this Court ordered Plaintiff to file an amended complaint adequately stating a claim against the named Defendants.

On December 14, 2009, Plaintiff filed an incomplete motion to proceed *in forma pauperis* (#4), a motion for extension of time to file an amended complaint (#5), and a motion to amend her complaint (#6). On December 21, 2009, this Court denied Plaintiff's incomplete motion to proceed *in forma pauperis*, granted Plaintiff's request for an extension of time, and ordered Plaintiff to submit a complete motion to proceed *in forma pauperis* within thirty days, and an amended complaint within twenty-one days, of the entry of the Order (#7). In addition, this Court recommended denial of Plaintiff's motion to amend (#9). The District Court adopted this recommendation on January 22, 2010 (#11).

Plaintiff has failed to submit a motion to proceed *in forma pauperis* or pay the statutory filing fee, and the time to do so has passed. In addition, Plaintiff has failed to file an amended complaint adequately stating a claim against the named defendants. Despite an extension of time, Plaintiff has failed to comply with this Court's Orders (#2

and #7). Accordingly, Plaintiff's Complaint (#1) should be dismissed without prejudice under Local Rule 5.5(c)(2).

III. Conclusion

The Court recommends that the District Court dismiss the Complaint (#1) without prejudice, under Local Rule 5.5(c)(2), for failure to comply with the Court's Orders of December 2, 2009 (#2), and December 21, 2009 (#7).

DATED this 22nd day of January, 2010.



UNITED STATES MAGISTRATE JUDGE