

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

EARNEST TYELL FRIAR, JR.

PLAINTIFF

V.

1:10CV00094 SWW/JTR

MELISSA HOOD, Sergeant,
Independence County Jail, et al.

DEFENDANTS

ORDER OF DISMISSAL

Plaintiff, Earnest Tyell Friar, Jr., who is a pretrial detainee at the Independence County Jail, has commenced this *pro se* § 1983 action alleging that Defendants violated his constitutional rights. *See* docket entry #2.

On December 2, 2010, the Court entered an Order giving Plaintiff thirty days to file an Amended Application to Proceed *In Forma Pauperis* and an Amended Complaint containing information necessary to complete the screening function mandated by 28 U.S.C. § 1915A. *See* docket entry #3. Importantly, the Court advised Plaintiff that the failure to timely and properly do so would result in the dismissal of his case, without prejudice, pursuant to Local Rule 5.5(c)(2).¹

Id.

On December 17, 2010, Plaintiff filed an Amended Application to Proceed *In Forma*

¹ Local Rule 5.5(c)(2) provides that: “It is the duty of any party not represented by counsel to promptly notify the Clerk and the other parties to the proceedings of any change in his or her address, to monitor the progress of the case, and to prosecute or defend the action diligently. A party appearing for himself/herself shall sign his/her pleadings and state his/her address, zip code, and telephone number. *If any communication from the Court to a pro se plaintiff is not responded to within thirty (30) days, the case may be dismissed without prejudice.* Any party proceeding *pro se* shall be expected to be familiar with and follow the Federal Rules of Civil Procedure.” (Emphasis added.)

Pauperis. See docket entry #5. However, as of the date of this Order of Dismissal, Plaintiff has not filed an Amended Complaint, and the time for doing so has expired.

IT IS THEREFORE ORDERED THAT:

1. Pursuant to Local Rule 5.5(c)(2), this case is DISMISSED, WITHOUT PREJUDICE, due to Plaintiff's failure to timely and properly comply with the Court's December 2, 2010 Order.
2. The Court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that an *in forma pauperis* appeal from this Order of Dismissal and the accompanying Judgment would not be taken in good faith.

Dated this 12th day of January, 2011.

/s/Susan Webber Wright
UNITED STATES DISTRICT JUDGE