

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

NATHAN RAY MONTOYA

PLAINTIFF

V.

1:11CV00080 SWW/JTR

INDEPENDENCE COUNTY JAIL

DEFENDANT

ORDER OF DISMISSAL

Plaintiff, Nathan Ray Montoya, has commenced this *pro se* § 1983 action alleging that his constitutional rights were violated while he was confined in the Independence County Jail. *See* docket entry #2.

On October 25, 2011, the Court entered an Order giving Plaintiff thirty days to file: (1) a freeworld Application to Proceed *In Forma Pauperis*; and (2) an Amended Complaint containing information necessary to complete the screening function mandated by 28 U.S.C. § 1915A. *See* docket entry #8. 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.*

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*

As of the date of this Order of Dismissal, Plaintiff has failed to comply with the October 25, 2011 Order, 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 October 25, 2011 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 December, 2011.

/s/Susan Webber Wright
UNITED STATES DISTRICT JUDGE

shall be expected to be familiar with and follow the Federal Rules of Civil Procedure.”
(Emphasis added.)