

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

**JACK FREEMAN
ADC #140176**

PLAINTIFF

v.

Case No. 1:14-cv-00029-KGB/JTR

**DR. MELVIN NANCE,
Grimes Unit, ADC, et al.**

DEFENDANTS

ORDER

The Court has reviewed the Proposed Findings and Recommended Partial Disposition submitted by United States Magistrate Judge J. Thomas Ray (Dkt. No. 41). No objections have been filed, and the time for filing objections has passed. After careful consideration, the Court concludes that the Proposed Findings and Recommended Partial Disposition should be, and hereby are, approved and adopted in their entirety as this Court's findings in all respects. It is therefore ordered that plaintiff Jack Freeman's motion to dismiss defendant Tiera Pickering is granted and Ms. Pickering is dismissed from this action without prejudice (Dkt. No. 36).

Further, on October 7, 2014, defendants filed a motion for summary judgment (Dkt. No. 38). On October 14, 2014, the Court entered an Order directing Mr. Freeman to file, within thirty days, a response to that motion and a separate statement of disputed facts (Dkt. No. 42). That Order also warned Mr. Freeman that failure to do so would result in: (1) all of the facts in defendants' summary judgment papers being deemed admitted by him, pursuant to Local Rule 56.1(c); or (2) dismissal of this action without prejudice pursuant to Local Rule 5.5(c)(2). Local Rule 5.5(c)(2) states:

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.

More than 30 days have passed since the Court entered its Order, and Mr. Freeman has failed to file either the required response or a request for extension of time. Accordingly, the Court finds that this action should be dismissed without prejudice pursuant to Local Rule 5.5(c)(2). It is therefore ordered that this case is dismissed without prejudice due to lack of prosecution. The Court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that an *in forma pauperis* appeal would not be taken in good faith.

SO ORDERED this the 3rd day of December, 2014.



KRISTINE G. BAKER
UNITED STATES DISTRICT JUDGE