

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
HELENA DIVISION

EARNEST SIMES, ET AL.

PLAINTIFFS

VS.

CASE NO. 2:06CV00091 JMM

DR. KENNETH JAMES, ET AL.

DEFENDANTS

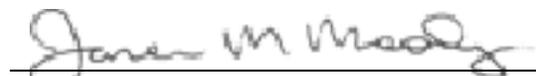
ORDER

The complaint in the above styled case was filed on March 31, 2006, alleging violations of 42 U.S.C. § 1981 and § 1983, and the Arkansas Civil Rights Act. In May of 2007, the Court granted plaintiffs' First and Second Motions to Stay the case pending the outcome of plaintiffs' individual criminal trials. Since that time, plaintiffs have filed, upon request of the Court, three status reports stating that the criminal proceedings are still pending. The last status report was filed on June 12, 2009.

Based upon the open-ended nature of plaintiffs' criminal cases, the Court finds that it is appropriate to administratively close this case.

IT IS THEREFORE ORDERED that the clerk administratively terminate the action in his records, without prejudice to the right of the parties to reopen the proceedings for good cause shown upon resolution of the state criminal actions. Provided however, this case will not be reopened unless within 45 days of the final disposition of the state court criminal proceedings an application to reopen is filed herein by one or more parties to this action. If no such motion to reopen is filed within said 45 day period this order shall be deemed a dismissal without prejudice of plaintiff's claims. This administrative closing of the case tolls any applicable statute of limitations to plaintiffs' claims.

Dated this 31 day of July, 2009.



James M. Moody
United States District Judge