

N e l s o n v . T y n e r e t a l D o

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

**BRYANT NELSON
ADC # 601638**

PLAINTIFF

v.

CASE NO.: 2:08CV00133-SWW-BD

TYNER, et al.

DEFENDANTS

RECOMMENDED DISPOSITION

I. Procedure for Filing Objections

The following recommended disposition has been sent to United States District Court Judge Susan Webber Wright. 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 eleven (11) 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 July 11, 2008, Plaintiff, an inmate at the Arkansas Department of Correction, East Arkansas Regional Unit, filed a Complaint under 42 U.S.C. § 1983 (docket entry #1) challenging his conditions of confinement. On August 8, 2008, Plaintiff was granted leave to proceed *in forma pauperis* and was ordered to file an Amended Complaint within 30 days (# 7). Plaintiff was notified that failure to comply with the Court's order could result in dismissal of his case. Plaintiff has not responded to the Court since that last Order, and he has not filed an Amended Complaint within the time allowed.

III. Conclusion

The Court recommends that the District Court dismiss the Complaint without prejudice, under Local Rule 5.5(c)(2), for failure to comply with the Court's Order of August 8, 2008 (#7).

DATED this 17th day of September, 2008.



UNITED STATES MAGISTRATE JUDGE