

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

**BRYANT NELSON
ADC #601638**

PLAINTIFF

v.

2:08CV00144-WRW-JTR

**DR. YEE YANG;
and VICKIE MOORE,
East Arkansas Regional Unit,
Arkansas Department of Correction**

DEFENDANTS

ORDER OF DISMISSAL

On July 21, 2008, Plaintiff commenced this *pro se* § 1983 action alleging that Defendants were failing to provide him with adequate dental care at the East Arkansas Regional Unit of the Arkansas Department of Correction.¹ On October 27, 2008, mail returned to the Court indicated that Plaintiff has been released on parole.² Accordingly, on November 6, 2008, the Court entered an Order giving Plaintiff thirty days to file: (1) a Statement indicating whether he wished to continue with this lawsuit; and (2) an Amended Application to Proceed *In Forma Pauperis*.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, based on Local Rule 5.5(c)(2).⁴ As of the date of this Order of

¹Doc. No. 2.

²Doc. Nos. 45, 47.

³Doc. No. 48.

⁴ 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

Dismissal, Plaintiff has failed to comply with the Court's November 6, 2008, Order, and the time for doing so has passed.

Based on 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 November 6, 2008, Order. The Court further certifies that an *in forma pauperis* appeal from this Order of Dismissal and the accompanying Judgment would not be taken in good faith.

IT IS SO ORDERED this 23rd day of December, 2008.

/s/Wm. R. Wilson, Jr.
UNITED STATES DISTRICT JUDGE

added.)