

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

**LEONARD A. SILLS
ADC #138335**

PLAINTIFF

V.

CASE NO. 2:08CV00198 SWW/BD

WENDY KELLEY, et al.

DEFENDANTS

RECOMMENDED DISPOSITION

I. Procedure for Filing Objections

The following Recommended Disposition has been sent to United States District 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

Plaintiff Leonard A. Sills filed this 42 U.S.C. § 1983 action (docket entry #1), along with a Motion for Leave to Proceed *in forma pauperis* (#2), in the Western District of Arkansas. The Western District transferred Plaintiff's case to this Court (#3, #4).

On December 8, 2008, this Court denied Plaintiff's Motion for Leave to Proceed *in forma pauperis* because Plaintiff was no longer incarcerated in the Arkansas Department of Correction ("ADC") and the pending motion did not reflect Plaintiff's post-release financial status. Plaintiff was ordered to file a current motion to proceed *in forma pauperis* within thirty days of the entry of the Court's Order (#5). In addition, the Court noted that Plaintiff's Complaint (#1) failed to allege an injury, as required to state a claim for deliberate indifference to Plaintiff's serious medical needs, and ordered Plaintiff to file an amended complaint which included allegations of his injury. The Plaintiff was required to file the amended complaint also within thirty days of the entry of the Court's Order (#5). The Plaintiff was warned that failure to fully comply with the Order could result in dismissal of his action under Local Rule 5.5(c)(2) of the Eastern District of Arkansas and the Federal Rules of Civil Procedure.

Plaintiff has not responded to the Court's Order and the time for doing so has passed. Plaintiff has failed to file an amended complaint or a current motion to proceed *in forma pauperis*. Plaintiff has further failed to inform the Court and other parties in this proceeding of his new address as required by Local Rule 5.5(c)(2).

III. Conclusion

The Court recommends that the District Court dismiss the Complaint (#1) without prejudice, under Local Rule 5.5(c)(2), for failure to comply with the Court's Order of December 8, 2008 (#5).

DATED this 9th day of January, 2009.



UNITED STATES MAGISTRATE JUDGE