

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

GREG PEPPER,
ADC #079459

PLAINTIFF

V.

2:09CV00143 SWW/JTR

ANDREW CLINKSCALE, Corporal,
East Arkansas Regional Unit, et al.

DEFENDANTS

ORDER OF DISMISSAL

In September of 2009, Plaintiff, Greg Pepper, commenced this *pro se* § 1983 action alleging that Defendants violated his constitutional rights. *See* docket entry #2. At that time, he was a prisoner in the East Arkansas Regional Unit of the Arkansas Department of Correction. *Id.*

In early March of 2011, Plaintiff was released on parole. *See* docket entry #56. Accordingly, on March 31, 2011, 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) a freeworld Application to Proceed *In Forma Pauperis*. *See* docket entry #57. Importantly, the Court advised Plaintiff that the failure to timely and properly do so would result in the dismissal of his case, without prejudice, pursuant to Local Rule 5.5(c)(2).¹ *Id.*

As of the date of this Order of Dismissal, Plaintiff has failed to comply with the Court's

¹ 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 added.)

March 31, 2011 Order, and the time for doing so has expired.²

IT IS THEREFORE ORDERED THAT:

1. Pursuant to 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 March 31, 2011 Order.

2. The Court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that an *in forma pauperis* appeal from this Order of Dismissal and the accompanying Judgment would not be taken in good faith.

Dated this 4th day of May, 2011.

/s/Susan Webber Wright

UNITED STATES DISTRICT JUDGE

² The March 31, 2011 Order was returned as undeliverable because Plaintiff failed to provide the Court with his forwarding address. *See* docket entry #59. However, Plaintiff *received* an October 6, 2009 Order, which explained his obligation to keep the Court apprised of his current mailing address and the possible consequences if he failed to do so. *See* docket entry #5.