

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

KENDRICK WILEY,
ADC #139566

PLAINTIFF

v.

No. 2:13CV00173-JLH-JTK

MIKE BUCHAND, et al.

DEFENDANTS

ORDER

This matter is before the Court on the defendants' motion to compel, based on Kendrick Wiley's failure to respond to their discovery requests and to a subsequent letter requesting his response (Doc. No. 26). This Court directed Wiley to file a response to the motion on May 13, 2014, and notified him that failure to respond could result in the dismissal without prejudice of this lawsuit, for failure to prosecute (Doc. No. 28). As of this date, Wiley has not filed a response to the motion, as directed in the Court's May 13, 2014 Order.

Local Rule LR5.5(c)(2) provides as follows:

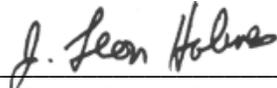
It is the duty of any party not represented by counsel to promptly notify the Clerk and the other parties to the proceedings of any change in his or her address, to monitor the progress of the case and to prosecute or defend the action diligently If any communication from the Court to a pro se plaintiff is not responded to within thirty (30) days, the case may be dismissed without prejudice. . . .

In addition, Federal Rules of Civil Procedure 37(b)(2)(A)(v) and 37(d)(3) provide that if a party fails to obey an order to provide or permit discovery, or fails to serve answers to interrogatories, the Court may sanction the party by dismissing the action. In this case, in light of Wiley's failure to respond or object to defendants' discovery requests, or to comply with this Court's May 13, 2014 Order directing a response to the motion, the Court finds that Wiley's complaint should be dismissed without prejudice. Accordingly,

IT IS, THEREFORE, ORDERED that defendants' motion to compel (Doc. No. 26) is GRANTED, and plaintiff's complaint is DISMISSED without prejudice.

An appropriate Judgment will accompany this Order.

IT IS SO ORDERED this 30th day of June, 2014.



J. LEON HOLMES
UNITED STATES DISTRICT JUDGE