

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

**JEFFERY BROWN**

**PLAINTIFF**

**V.**

**CASE NO. 3:07-CV-00083-SWW-BD**

**CRITTENDEN COUNTY  
SHERIFF'S DEPARTMENT, *et al.***

**DEFENDANTS**

**RECOMMENDED DISPOSITION**

**I. Procedures 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 receipt of the recommendations. A copy will be furnished to the opposing party. Failure to file timely objections may result in a waiver of the right to appeal questions of fact. From this submission, the District Judge will determine the necessity for an evidentiary hearing, either before the Magistrate Judge or before the District Judge.

Mail your objections and request for a hearing to:

Clerk, United States District Court  
Eastern District of Arkansas  
600 West Capitol Avenue, Suite A149  
Little Rock, AR 72201-3325

## **II. Background**

This 42 U.S.C. § 1983 action was removed to federal court on June 21, 2007, after Plaintiff filed it initially in the Circuit Court of Crittenden County on May 18, 2007.

Plaintiff is proceeding pro se and *in forma pauperis*.

On November 14, 2008, Plaintiff filed a notice of change of address indicating that he is no longer incarcerated (#169). Accordingly, on November 17, 2008, the Court ordered that Plaintiff file a status update or current request to proceed *in forma pauperis* within thirty days to proceed with this action (#172). 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's Order and has not filed a status update or current request to proceed *in forma pauperis* within the time allowed.

Pending now is Defendants' motion to dismiss this action based upon Plaintiff's failure to comply with the Court's Order (#176). Plaintiff has not responded to Defendants' motion. Based upon Plaintiff's failure to comply with this Court's Order, Plaintiff's motion (#176) should be GRANTED.

**III. Conclusion**

The Court recommends that the District Court grant Defendants' motion to dismiss (#176) and dismiss Plaintiff's claims without prejudice, under Local Rule 5.5(c)(2) and Federal Rule of Civil Procedure 41(b), for failure to comply with the Court's Order of November 17, 2008 (#172).

DATED this 30th day of January, 2009.



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UNITED STATES MAGISTRATE JUDGE