

**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

ORDER

On November 14, 2008 Plaintiff, who proceeds *in forma pauperis*, filed a notice of change of address indicating that he is no longer incarcerated. Accordingly, by order entered November 17, 2008, the Court directed Plaintiff to submit a financial affidavit regarding his current financial status. Plaintiff failed to comply with the Court's order, and on January 14, 2009, Defendants filed a motion to dismiss Plaintiff's remaining claims based on his failure to prosecute. On January 30, 2009, United States Magistrate Judge Beth Deere issued findings and a recommended disposition, recommending that the Court dismiss Plaintiff's remaining claims without prejudice for failure to comply with the Court's order. Plaintiff has filed timely objections, stating that he did not receive the November 17, 2008 order and that his "financial status remains the same." Docket entry #180.

IT IS THEREFORE ORDERED that, in light of Plaintiff's objections, the Court declines to adopt the recommended disposition entered January 30, 2009 (docket entry #178), and Defendants' motion to dismiss (docket entry #176) is DENIED.

IT IS FURTHER ORDERED that the Clerk of the Court is directed to mail Plaintiff an

application to proceed *in forma pauperis*, along with a copy of this order.

IT IS FURTHER ORDERED that Plaintiff has ten days from the entry date of this order in which to complete an application to proceed *in forma pauperis*, attesting to information under penalty of perjury, and mail the completed application to the Clerk for filing. Failure to follow this order will result in dismissal of this action without prejudice.

IT IS SO ORDERED THIS 26TH DAY OF FEBRUARY, 2009.

/s/Susan Webber Wright
UNITED STATES DISTRICT JUDGE