

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

MARK STEVEN COX

PLAINTIFF

V.

3:07CV00200 BSM/JTR

PAULETT ARNOLD,
Administrator, Poinsett County Detention Center

DEFENDANT

ORDER OF DISMISSAL

Plaintiff, who is no longer incarcerated, commenced this *pro se* § 1983 action alleging that defendant Paulett Arnold violated his constitutional rights while he was confined at the Poinsett County Detention Center. *See* docket entries #2 and #8. On August 20, 2008, the court issued an order granting defendant's motion to compel and ordering plaintiff to file his responses to defendant's May 30, 2008 Interrogatories and Requests for Production within fifteen days of the entry of the order. *See* docket entry #27. Importantly, the court advised plaintiff that the failure to timely and properly do so would result in his case being dismissed, without prejudice, pursuant to Fed. R. Civ. P. 37(b)(2)(A)(v). As the date of this Order of Dismissal, plaintiff has failed to comply with the court's August 20, 2008 discovery order, and the time for doing so has expired. IT IS THEREFORE ORDERED THAT:

1. Pursuant to Fed. R. Civ. P. 37(b)(2)(A)(v), this case is DISMISSED, WITHOUT PREJUDICE, due to plaintiff's failure to timely and properly comply with the court's August 20, 2008 discovery 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 12th day of September, 2008.


UNITED STATES DISTRICT JUDGE