

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

DONALD RAY WILBANKS, II
ADC #131476

PLAINTIFF

V.

NO: 3:08CV00064 HDY

CRAIGHEAD COUNTY
DETENTION CENTER *et al.*

DEFENDANTS

ORDER

Plaintiff filed this 42 U.S.C. § 1983 action on April 21, 2008, raising various complaints that pertain to the time he was held in the Craighead County Detention Center. On October 1, 2008, Defendants filed a motion to dismiss (docket entry #30), along with a brief in support (docket entry #31). After Plaintiff did not reply within 11 days, the Court, on October 16, 2008, entered an order granting Plaintiff an additional 11 days to respond (docket entry #32). However, Plaintiff still has not responded to Defendants' motion.

Defendants seek dismissal of Plaintiff's complaint due to Plaintiff's failure to comply with discovery requests. On September 8, 2008, this Court granted Defendants' motion to compel, and directed Plaintiff to respond to Defendants' discovery requests within 20 days (docket entry #28). According to Defendants' motion, Plaintiff has not responded. Accordingly, Defendants' motion should be granted, and Plaintiff's complaint should be dismissed with prejudice pursuant to Fed.R.Civ.P. 41(b).

IT IS THEREFORE ORDERED THAT:

1. Defendants' motion to dismiss (docket entry #30) is GRANTED, and Plaintiff's

complaint is DISMISSED WITH PREJUDICE.

2. The Court certifies that an *in forma pauperis* appeal taken from the order and judgment dismissing this action is considered frivolous and not in good faith.

DATED this 31 day of October, 2008.



UNITED STATES MAGISTRATE JUDGE