

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

ANDREW ROLLINS, JR

PLAINTIFF

V.

3:08CV00109 JMM/HDY

JACK McCANN, Sheriff, Craighead County; JOHN SMITH, Administrator, Craighead County Detention Facility; AARON DAVIS, Assistant Administrator, Craighead County Detention Center; JOHN SPARKS, Chief Jailer, Craighead County Detention Center; and STEVE METCALF, Medical Supervisor, Craighead County Detention Center

DEFENDANTS

**ORDER**

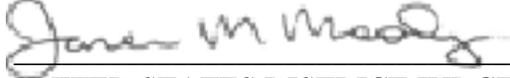
Plaintiff, who was being held at the Craighead County Detention Facility, initiated this 42 U.S.C. §1983 action by filing a Complaint, unaccompanied by a filing fee or a Motion for Leave to Proceed *In Forma Pauperis*. In an Order dated July 24, 2008 (docket entry #2), the Court directed Plaintiff to submit either the statutory filing fee or an *in forma pauperis* application. Plaintiff was given thirty days in which to respond and was specifically cautioned of the requirements of Local Rule 5.5(c)(2).

Local Rule 5.5(c)(2) provides that if any communication from the Court to a *pro se* litigant is not responded to within thirty days, the case may be dismissed without prejudice. More than thirty days have passed since the entry date of that Order, and Plaintiff has not responded to the Court's Order. Under these circumstances, the Court concludes that this case should be dismissed without prejudice for failure to comply with Local Rule 5.5(c)(2). *See Miller v. Benson,*

51 F.3d 166, 168 (8<sup>th</sup> Cir. 1995)(“District courts have inherent power to dismiss *sua sponte* a case for failure to prosecute, and we review the exercise of this power for abuse of discretion.”)

IT IS THEREFORE ORDERED that Plaintiffs’ s claims be and they are hereby DISMISSED WITHOUT PREJUDICE.

DATED this 26th day of September, 2008.

  
UNITED STATES DISTRICT JUDGE