

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

WILLIE COLEMAN

PLAINTIFF

V.

3:09CV00067 JMM/JTR

RICHARD BUSBY,
Sheriff of Crittenden County, et al.

DEFENDANTS

ORDER OF DISMISSAL

Plaintiff commenced this *pro se* § 1983 action while he was confined in the Crittenden County Detention Facility (“CCDF”). *See* docket entry #2. On July 13 and 20, 2009, mail addressed to Plaintiff at the CCDF was returned as undeliverable because he had been released from custody. *See* docket entries #21 and #24.

On July 21, 2009, the Court issued an Order directing Plaintiff to file a freeworld Application to Proceed *In Forma Pauperis* and a Statement indicating whether he wished to continue with this action. *See* docket entry #22. Importantly, the Court reminded Plaintiff that, if he failed to timely and properly do so, his case would be dismissed, without prejudice, pursuant to Local Rule 5.5(c)(2).¹ *Id.* As of the date of this Order of Dismissal, Plaintiff has failed to comply with the July 21, 2009 Order, and the time for doing so has expired.

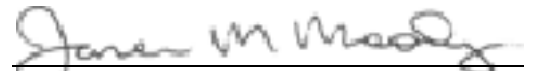
¹ The July 21, 2009 Order was returned to the Court as undeliverable. *See* docket entry #25. However, Plaintiff has previously received an Order informing him of his Local Rule 5.5(c)(2) obligations to: (1) “promptly” notify the Court of any changes in his address; (2) monitor and “diligently” prosecute his case; and (2) respond to all Court orders within thirty days to avoid a dismissal, without prejudice. *See* docket entry #4 at n.1.

IT IS THEREFORE ORDERED THAT:

1. This case is DISMISSED, WITHOUT PREJUDICE, due to Plaintiff's failure to timely and properly comply with the Court's July 21, 2009 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 21st day of September, 2009.


UNITED STATES DISTRICT JUDGE