

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

REASSURE LIFE INSURANCE *
COMPANY *
Plaintiff *

VS. *

NO: 3:09CV00133 SWW

CAROLYN TURNER; STACY *
MIRELES; and OTHERS WHO MAY *
CLAIM AN INTEREST IN LIFE *
INSURANCE POLICY NO. 9069449 *
ISSUED NOVEMBER 1, 1989, IN THE *
FACE AMOUNT OF \$10,000 ON THE *
LIFE OF CHARLES J. TURNER *
Defendants *

ORDER

Plaintiff Reassure Life Insurance Company (“Reassure”) commenced this interpleader action pursuant to 28 U.S.C. § 1335 to determine the proper beneficiary of the proceeds of a life insurance policy. The Court permitted Reassure to deposit the insurance policy proceeds at issue into the registry of the Court, and the Court dismissed Reassure from the case. The sole parties remaining are claimants of said proceeds: Defendants Carolyn Turner, who is represented by counsel, and Stacy Mireles, who proceeds *pro se*.

Before the Court are Turner’s motion for summary judgment (docket entry #19), notice of inability to perform a Rule 26(f) conference (docket entry #21), and motion for an extension of time to file a Rule 26(f) conference report (docket entry #22). Turner reports that she has no means to communicate with Mireles, and she seeks an extension of the deadline to file a report

pursuant to Rule 26(f) of the Federal Rules of Civil Procedure.

Defendant Mireles is hereby notified of her responsibility to comply with the Federal Rules of Civil Procedure and the Local Rules of this Court,¹ including Local Rule 5.5(c)(2), which provides as follows:

It is the duty of any party not represented by counsel to promptly notify the Clerk and the other parties to the proceedings of any change in his or her address, to monitor the progress of the case, and to prosecute or defend the action diligently. A party appearing for himself/herself shall sign his/her pleadings and state his/her address, zip code, and telephone number. If any communication from the Court to a pro se plaintiff is not responded to within thirty (30) days, the case may be dismissed without prejudice. Any party proceeding pro se shall be expected to be familiar with and follow the Federal Rules of Civil Procedure.

IT IS HEREBY ORDERED that Defendant Turner's motion for an extension of time to file a Rule 26(f) report (docket entry #22) is GRANTED. The deadline for filing a Rule 26(f) report is canceled, and the Court will set a new deadline, if necessary, following a decision on Defendant Turner's motion for summary judgment.

IT IS FURTHER ORDERED that Defendant Mireles has up to and including fourteen (14) days from the entry date of this order in which to file a response to Defendant Turner's motion for summary judgment. Defendant Mireles is notified that if she fails to respond, all material facts set forth in Turner's affidavit in support of summary judgment will be deemed admitted, and summary judgment, if appropriate, will be entered in Defendant Turner's favor.

¹The Federal Rules of Civil Procedure are available in many libraries and bookstores and the Local Rules can be obtained from the District Clerk for the Eastern District of Arkansas. Additionally, the Local Rules and the Federal Rules of Civil Procedure are available on the Court's website: www.are.uscourts.gov. To access the Federal Rules of Civil Procedure via the Court's website, go to "Links," find the heading "Federal Links" and click on "Federal Rules of Civil Procedure" below the heading. A direct link to "Local Rules" is provided on the home page of the Court's website.

See Fed. Rule Civ. P. 56(e)(2); Local Rule 56.1(c).

IT IS FURTHER ORDERED that the Clerk of the Court is directed to mail a copy of this order to Defendant Stacy Mireles by (1) regular mail and (2) certified mail, return receipt requested.

IT IS THEREFORE ORDERED THIS 29th DAY OF DECEMBER, 2009.

/s/Susan Webber Wright

UNITED STATES DISTRICT JUDGE