

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

NATHANIEL FITZGERALD,  
ADC #84210

Plaintiff,

vs.

RICHARD BUSBY; *et al.*,

Defendants.

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No. 3:09-cv-00223-SWW-JTK

**ORDER**

Plaintiff originally filed this Complaint pursuant to 42 U.S.C. § 1983, without paying the \$350.00 filing fee or filing an application to proceed in forma pauperis (IFP) (Doc. No. 2). The Court directed Plaintiff to submit the filing fee or IFP application on April 15, 2010, within 30 days of the Order (Doc. No. 7). When Plaintiff failed to comply with the Order, the Court dismissed the Complaint by Order and Judgment dated July 1, 2010 (Doc. Nos. 14, 15).

The Court later granted Plaintiff’s Motion for Reconsideration, and re-opened his case on October 6, 2010 (Doc. No. 24). The Court again directed Plaintiff to pay the filing fee or file an IFP application, on October 20, 2010, within 15 days of the Order (Doc. No. 26). Plaintiff filed an IFP application, which was granted on November 2, 2010 (Doc. No. 30). The Court, however, directed Plaintiff to file an Amended Complaint within 30 days of the date of the Order, and advised Plaintiff that failure to file such in accordance with the Court’s directions would result in the dismissal without prejudice of his Complaint. As of this date, Plaintiff has not filed an Amended Complaint, or otherwise corresponded with this Court.

Rule LR5.5(c)(2) of the Rules of the United States District Courts for the Eastern and

Western Districts of Arkansas 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 . . . . 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. . . .

In light of Plaintiff's failure to respond to this Court's November 2, 2010 Order, the Court will dismiss the Complaint without prejudice. Accordingly,

IT IS, THEREFORE, ORDERED that this Complaint is DISMISSED without prejudice.

An appropriate Judgment shall accompany this Memorandum and Order.

IT IS SO ORDERED this 9<sup>th</sup> day of December, 2010.

/s/Susan Webber Wright  
UNITED STATES DISTRICT JUDGE