

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

ERIC D. PERRY, and
MAURIO HERON

PLAINTIFFS

V.

3:10CV00097 WRW/JTR

RICHARD BUSBY, Sheriff,
Crittenden County Detention Center, et al.

DEFENDANTS

ORDER OF PARTIAL DISMISSAL

Separate Plaintiff, Maurio Heron, who is confined in the Crittenden County Detention Center, has commenced this *pro se* § 1983 action alleging that Defendants violated his constitutional rights. *See* docket entry #2. On May 11, 2010, the Court entered an Order giving Plaintiff thirty days to: (1) file an Amended Complaint containing information necessary to complete the screening function mandated by 28 U.S.C. § 1915A; and (2) either pay the \$350 filing fee in full, or file an Application to Proceed *In Forma Pauperis*, along with a prisoner trust fund calculation sheet. *See* docket entry #7. Importantly, the Court advised Plaintiff that the failure to timely and properly do so would result in the dismissal of his case, without prejudice, pursuant to Local Rule 5.5(c)(2).¹

Id.

¹ Local Rule 5.5(c)(2) provides that: “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.*” (Emphasis added.)

On June 6, 2010, Plaintiff filed a prisoner trust fund calculation sheet. *Id.* However, as of the date of this Order of Partial Dismissal, Plaintiff has not filed an Application to Proceed *In Forma Pauperis* or an Amended Complaint. The time for doing so has expired.

IT IS THEREFORE ORDERED THAT:

1. Pursuant to Local Rule 5.5(c)(2), Plaintiff Heron is DISMISSED, WITHOUT PREJUDICE, due to his failure to timely and properly comply with the Court's May 11, 2010 Order.
2. The Court CERTIFIES, pursuant to 28 U.S.C. § 1915(a)(3), that an *in forma pauperis* appeal from this Order of Partial Dismissal would not be taken in good faith.

Dated this 23rd day of June, 2010.

/s/Wm. R. Wilson, Jr.
UNITED STATES DISTRICT JUDGE