

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

KEITH DOYLE, TONY BROOKS,
JEREMY MCLAUGHLIN, GERALD JOHNSON,
JAMES W. LAUDERDALE, LAYTON SIMS,
ERIC SANDERS, CODY GRICE, RICK LARD, and
HAROLD S. SIMS

PLAINTIFFS

v.

Case No. 3:10-cv-168-DPM

JHON SMITH, JERAMINE
SPARKS, TOMMY MORRIS,
OOST, HALL, WEBB

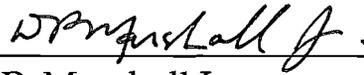
DEFENDANTS

ORDER

The Court has considered Magistrate Judge Joe J. Volpe's Proposed Findings and Recommended Disposition – to which no Plaintiff has objected. Seeing no error of law or clear error of fact on the face of the record, FED. R. CIV. P. 72(b), the Court adopts the recommendation. *Document No. 13.* Magistrate Judge Volpe adequately warned all Plaintiffs, in late July 2010, that this section 1983 case could be dismissed without prejudice if they failed to either pay the required \$350.00 filing fee to the Clerk or file a proper *in forma pauperis* application within 30 days. *Document No. 2.* Judge Volpe also

ordered that an amended complaint be filed within 30 days. *Ibid.* About 70 days have passed since Judge Volpe entered his order, and no Plaintiff has since filed any share of the required filing fee, the entire fee, sought *in forma pauperis* status, or filed an amended complaint. The Plaintiffs' complaint is therefore dismissed without prejudice. The Court further certifies that an *in forma pauperis* appeal from this order would not be taken in good faith. 28 U.S.C.A. § 1915(a)(3).

So Ordered.



D.P. Marshall Jr.
United States District Judge

7 October 2010