

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

DEWAYNE ELLIOTT

PLAINTIFF

v.

NO. 3:10CV00267 SWW/ HDY

CITY OF OSCEOLA, ARKANSAS; CHRISTOPHER ELLIS,
Individually and in his Official Capacity; MIKE BINGHAM,
Individually and in his Official Capacity; and
JOHN WELDON, Individually and in his Official Capacity

DEFENDANTS

ORDER

On July 1, 2013, the Clerk of the Court entered a scheduling order at the direction of the Court. See Document 20. The Order provided, in part, the following:

Plaintiff must inform the Court of the intent to continue with the prosecution of this case, together with a statement of facts and any witnesses deemed necessary, no later than Thursday, August 1, 2013. Even if plaintiff does not submit a list of proposed witnesses, he/she must inform the Court of the intent to continue with the prosecution of this case, together with a statement of facts, by the above-mentioned date. This must be filed with the Clerk's Office, 600 West Capitol Avenue, Suite #A149, Little Rock, AR 72201, Attention: Lorna Jones, and a copy should also be mailed to opposing counsel. **Local Rule 5.5(c)(2) of the Rules of the United States District Court for the Eastern District of Arkansas provides that, if any communication from the Court to a pro se plaintiff is not responded to within thirty days, the complaint may be dismissed without prejudice. Therefore, please be aware that if you do not respond to this order by Thursday, August 1, 2013, your lawsuit will be subject to dismissal for failure to prosecute.**

See Document 20 at 2 [bold in original]. The aforementioned August 1, 2013, deadline came and went without plaintiff Dewayne Elliott (“Elliott”) providing the Court with notice of his intent to continue with the prosecution of this case.

On August 2, 2013, the defendants filed the pending motion to dismiss pursuant to Local Rule 5.5(c)(2). See Document 22. In the motion, they maintained that Elliott, who is proceeding pro se, has not complied with the July 1, 2013, Order, and is not in compliance with Local Rule 5.5(c)(2). They therefore asked that his complaint be dismissed.

Before giving serious consideration to the defendants’ motion, the Court invites Elliott to submit a response. He is given up to, and including, August 29, 2013, to file a response to the defendants’ motion. If he elects to file a response, he shall show cause why his complaint should not be dismissed for his failure to comply with Local Rule 5.5(c)(2).

IT IS SO ORDERED this 9 day of August, 2013.



UNITED STATES MAGISTRATE JUDGE