

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

MARCEL W. HINGLE, III,
ADC #149713,

Plaintiff,

v.

CRAIGHEAD COUNTY DETENTION
CENTER; *et al.*,

Defendants.

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No. 3:11-cv-00095-SWW-JJV

MEMORANDUM AND ORDER

Plaintiff, Marcel Hingle, a state inmate proceeding *pro se*, filed this 42 U.S.C. § 1983 action on May 27, 2011 (Doc. No. 1). On June 14, 2011, this Court directed Plaintiff to pay the filing fee or file an Application to Proceed Without Prepayment of Fees and Affidavit within thirty days (Doc. No. 2). The Court also advised Plaintiff that failure to respond to the Order would result in the dismissal without prejudice of the Complaint. The Order (Doc. No. 2) sent to Plaintiff at his last-known address was returned to sender on June 21, 2011, and was re-mailed to his Arkansas Department of Correction address on July 12, 2011 (Doc. Nos. 4, 5). As of this date, Plaintiff has not paid the filing fee or filed an Application or otherwise corresponded with the Court.

Rule 5.5(c)(2) of the Rules of the Eastern District 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. . . .

Loc. R. 5.5(c)(2).

In light of Plaintiffs' failure to respond to this Court's June 14, 2011, 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 26th day of August, 2011.

/s/Susan Webber Wright
UNITED STATES DISTRICT JUDGE