

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

JERRY HART

PLAINTIFF

V.

3:12CV00203 JTR

AMANDA CHILDRESS, Nurse,
Crittenden County Detention Facility

DEFENDANT

ORDER OF DISMISSAL¹

Plaintiff, Jerry Hart, has filed this *pro se* § 1983 action alleging that Defendant Amanda Childress failed to provide him with adequate medical care while he was confined in the Crittenden County Detention Facility. *See* Docs. #2 and #4.

On March 22, 2013, Defendant moved for summary judgment on the merits of that claim. *See* Doc. #15. On March 26, 2013, the Court entered an Order giving Plaintiff thirty days to file a Response to Defendant's Motion for Summary Judgment. *See* Doc. #18. Importantly, the Court reminded Plaintiff that, pursuant to Local Rule 5.5(c)(2), his case could be dismissed, without prejudice, if he failed to timely do so. *Id.*

As of the date of this Order of Dismissal, Plaintiff has failed to comply with the

¹ On December 7, 2012, the parties consented to proceed before a United States Magistrate Judge. *See* Doc. #14.

March 26, 2013 Order, and the time for doing so has expired. Accordingly, Defendant has filed a Motion asking the Court to dismiss this case, without prejudice, pursuant to Local Rule 5.5(c)(2). *See* Doc. #20. The Court finds good cause for granting that request.

IT IS THEREFORE ORDERED THAT:

1. Defendant's Motion to Dismiss (Doc. #20) is GRANTED, and this case is DISMISSED, WITHOUT PREJUDICE.

2. Defendant's Motion for Summary Judgment (Doc. #15) is DISMISSED, AS MOOT.

3. The Court CERTIFIES, pursuant to Local Rule 5.5(c)(2), that an *in forma pauperis* appeal from this Order of Dismissal and the accompanying Judgment would not be taken in good faith.

Dated this 29th day of April, 2013.


UNITED STATES MAGISTRATE JUDGE