

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

WILLIE WELLS

PLAINTIFF

v.

3:12CV00251-KGB-JTK

PAUL PAYMENT, et al.

DEFENDANTS

**ORDER**

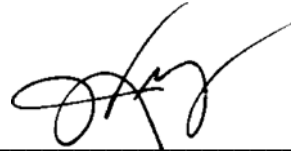
This matter is before the Court on Defendants' Motion to Compel, stating that Plaintiff failed to respond to their discovery requests, refused to sign a medical authorization form, and failed to respond to their subsequent letter requesting his responses (Doc. No. 28). This Court directed Plaintiff to file a Response to the Motion on April 2, 2013, and notified him that failure to respond could result in the dismissal without prejudice of this lawsuit, for failure to prosecute (Doc. No. 31). Defendants subsequently filed a Motion to Dismiss (Doc. No. 32), based on Plaintiff's failure to appear for a scheduled deposition. Plaintiff did respond to that Motion (Doc. No. 36), offering an explanation for his failure to appear, agreeing to a rescheduled deposition, and asking the Court not to dismiss this action. As of this date, however, Plaintiff has not filed a Response to the Defendants' Motion to Compel, and has not filed proof of responding to their discovery requests.

In light of Plaintiff's failure to respond to Defendants' Motion to Compel, the Court will grant the Motion and will direct Plaintiff to file responses to the discovery requests, including a signed medical authorization form, within fifteen days of the date of this Order. If Plaintiff fails to comply with this Order, Defendants may notify the Court in the form of a Motion to Dismiss. Accordingly,

IT IS, THEREFORE, ORDERED that Defendants' Motion to Compel (Doc. No. 28) is GRANTED. Plaintiff shall file responses to Defendants' discovery requests, together with a signed

medical authorization form, within fifteen days of the date of this Order. Failure to comply with this Order will result in the dismissal without prejudice of this action for failure to prosecute.<sup>1</sup>

IT IS SO ORDERED this 9<sup>th</sup> day of May, 2013.



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JEROME T. KEARNEY  
UNITED STATES MAGISTRATE JUDGE

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<sup>1</sup> Rule LR5.5(c)(2) of the Rules of the United States District Courts for the Eastern and Western Districts 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. . . .