

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

DAVID M. CLARK,
ADC #9300765

PLAINTIFF

V.

3:13CV00012 SWW/JTR

TOMMY HUSTAFER, Jailer,
Greene County Detention Center, et al.

DEFENDANTS

ORDER

Plaintiff, David M. Clark, was a prisoner in the Greene County Detention Facility when he filed this *pro se* § 1983. *See* Doc. #2. In April of 2013, Plaintiff was released from custody without paying all of the \$350 filing fee or providing a forwarding address. *See* Doc. #37.

Accordingly, on May 13, 2013, the Court entered an Order giving Plaintiff thirty days to file: (1) a freeworld *In Forma Pauperis* Application; and (2) a Statement indicating whether he wanted to continue with this lawsuit. *See* Doc. #39. Importantly, the Court advised Plaintiff that the failure to timely and properly do so would result in the dismissal of his case, without prejudice, pursuant to Local Rule 5.5(c)(2). *Id.*

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

May 13, 2013 Order, and the time for doing so has expired.¹

IT IS THEREFORE ORDERED THAT:

1. Pursuant to Local Rule 5.5(c)(2), this case is DISMISSED, WITHOUT PREJUDICE, due to Plaintiff's failure to timely and properly comply with the May 13, 2013 Order.

2. The Court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that an *in forma pauperis* appeal from this Order would not be taken in good faith.

Dated this 19th day of June, 2013.

/s/Susan Webber Wright
UNITED STATES DISTRICT JUDGE

¹ Plaintiff did not receive the May 13, 2013 Order, which was mailed to his last known address at the Greene County Detention Facility. *See* Doc. #43. However, Plaintiff previously received a January 29, 2013 Order explaining his obligations under Local Rule 5.5(c)(2), and the consequences of failing to comply with that rule. *See* Doc. #4.