

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

CARL RUSSELL CARTER, JR.,

PLAINTIFF

V.

3:15CV00090 JTR

BRETT DUNCAN, Administrator,
Craighead County Jail, et al.

DEFENDANTS

ORDER OF DISMISSAL¹

In April of 2015, Plaintiff commenced this action *pro se* action while he was a prisoner in the Craighead County Jail. *Doc. 1*. In October of 2015, Plaintiff was released from custody. *Doc. 27*.

In February of 2016, Plaintiff canceled his scheduled deposition due to a family emergency. *Doc. 32*. Thereafter, Plaintiff did not respond to Defendants' letter seeking to reschedule his deposition. *Id.* Defendants then sent Plaintiff Notices, by U.S. Mail and Federal Express, setting his deposition for April 22, 2016. *Id.* Although both Notices were received by Plaintiff, he did not appear for his deposition. *Id.*

¹ On September 16, 2015, the parties consented to proceed before a United States Magistrate Judge. *Doc. 24*.

Accordingly, Defendants have filed a Motion seeking dismissal of this case due to Plaintiff's failure to participate in discovery. *Doc. 32*. Plaintiff has not responded to that Motion, and the time for doing so has expired.

After careful consideration, the Court finds good cause for granting Defendants' Motion to Dismiss. *See* Fed. R. Civ. P. 37(b)(2)(A)(v) and (d)(1)(A)(i).

IT IS THEREFORE ORDERED THAT:

1. Defendants' Motion to Dismiss (*Doc. 32*) is GRANTED, and this case is DISMISSED, WITHOUT PREJUDICE.
2. The Court CERTIFIES, pursuant to 28 U.S.C. § 1915(a)(3), that an *in forma pauperis* appeal from this Order of Dismissal would not be taken in good faith.

Dated this 23rd day of May, 2016.


UNITED STATES MAGISTRATE JUDGE