

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

DONALD HAVENS

PLAINTIFF

v.

No. 3:15-cv-380-DPM-JTR

LARRY MILLS, Sheriff of Poinsett County;
and PHYLLIS CRAFT, Kitchen Supervisor,
Poinsett County Detention Center

DEFENDANT

ORDER

1. The Court withdraws the reference.

2. Havens hasn't complied with the Court's 28 September 2016 Order, No 27, and the time to do so has passed. Defendants' motion to dismiss, No 28, is therefore granted. FED. R. CIV. P. 37(b)(2)(A)(v). Havens's substituted complaint and amended complaint will be dismissed without prejudice. An *in forma pauperis* appeal from this Order and accompanying Judgment would not be taken in good faith. 28 U.S.C. § 1915(a)(3).

So Ordered.

D.P. Marshall Jr.
D.P. Marshall Jr.
United States District Judge

18 October 2016