

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

**ASHLEIGH HARRISON**

**PLAINTIFF**

**V.  
BOBBY NEW and  
JUSTIN KIMBLE**

**CASE NO. 3:16-CV-00240 JM**

**DEFENDANTS**

**ORDER**

Plaintiff Ashleigh Harrison filed a *pro se* complaint, pursuant to 42 U.S.C. § 1983, on September 14, 2016. (Doc. No. 2). She also filed an Application to Proceed *in forma pauperis*. (“Application”) (Doc. No. 1). The Court reviewed her Application and found it to be incomplete. (Doc. No. 3). On September 27, 2016, the Court entered an order directing Plaintiff to file a completed application or pay the filing fee within 30 days. Plaintiff was cautioned that failure to file a complete application or pay the filing fee within that time would result in the dismissal of her case, without prejudice, pursuant to Local Rule 5.5(c)(2).

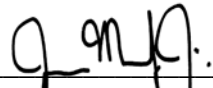
More than 30 days have passed, and Plaintiff has not complied or otherwise responded to the Court’s Order. Accordingly, the Court finds that this action should be dismissed without prejudice for failure to pay the filing fee, failure to comply with Local Rule 5.5(c)(2), and failure to respond to the Court’s order. *See Miller v. Benson*, 51 F.3d 166, 168 (8th Cir. 1995) (District courts have inherent power to dismiss *sua sponte* a case for failure to prosecute, and exercise of that power is reviewed for abuse of discretion).

IT IS THEREFORE ORDERED THAT:

1. Plaintiff’s complaint is DISMISSED WITHOUT PREJUDICE for failure to pay the filing fee, failure to comply with Local Rule 5.5(c)(2), and failure to respond to the Court’s order.

2. The Court certifies that an *in forma pauperis* appeal taken from the order and judgment dismissing this action is considered frivolous and not in good faith.

DATED this 1st day of November, 2016.

  
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JAMES M. MOODY, Jr.  
UNITED STATES DISTRICT JUDGE