

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

KEVIN D. QUINTON, SR.

PLAINTIFF

v.

No. 3:20-cv-146-DPM

CARPENTER, Doctor

DEFENDANT

ORDER

Unopposed recommendation, *Doc. 38*, adopted as modified. FED. R. CIV. P. 72(b) (1983 addition to advisory committee notes). There are not sufficient facts of record to support dismissal as a discovery sanction. *Comstock v. UPS Ground Freight, Inc.*, 775 F.3d 990, 992 (8th Cir. 2014); *Avionic Co. v. General Dynamics Corp.*, 957 F.2d 555, 558 (8th Cir. 1992). But Quinton has not prosecuted his case diligently or complied with the Court's orders. Quinton's amended complaint, *Doc. 15*, will therefore be dismissed without prejudice for failure to prosecute. LOCAL RULE 5.5(c)(2). Motions, *Doc. 36 & 33*, denied as moot. 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

27 April 2021