

**IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF ARKANSAS  
LITTLE ROCK DIVISION**

TRENTON JEFFERSON

PLAINTIFF

V.

4:08CV04079 JLH/HDY

KARL BYRD, Sheriff, Faulkner County, *et al.*

DEFENDANTS

**PROPOSED FINDINGS AND RECOMMENDED DISPOSITION**

**INSTRUCTIONS**

The following recommended disposition has been sent to United States District Chief Judge J. Leon Holmes. Any party may serve and file written objections to this recommendation. Objections should be specific and should include the factual or legal basis for the objection. If the objection is to a factual finding, specifically identify that finding and the evidence that supports your objection. An original and one copy of your objections must be received in the office of the United States District Court Clerk no later than eleven (11) days from the date of the findings and recommendations. The copy will be furnished to the opposing party. Failure to file timely objections may result in waiver of the right to appeal questions of fact.

If you are objecting to the recommendation and also desire to submit new, different, or additional evidence, and to have a hearing for this purpose before the District Judge, you must, at the same time that you file your written objections, include the following:

1. Why the record made before the Magistrate Judge is inadequate.

2. Why the evidence proffered at the hearing before the District Judge (if such a hearing is granted) was not offered at the hearing before the Magistrate Judge.
3. The detail of any testimony desired to be introduced at the hearing before the District Judge in the form of an offer of proof, and a copy, or the original, of any documentary or other non-testimonial evidence desired to be introduced at the hearing before the District Judge.

From this submission, the District Judge will determine the necessity for an additional evidentiary hearing, either before the Magistrate Judge or before the District Judge.

Mail your objections and “Statement of Necessity” to:

Clerk, United States District Court  
Eastern District of Arkansas  
600 West Capitol Avenue, Suite A149  
Little Rock, AR 72201-3325

### **DISPOSITION**

Plaintiff, an inmate at the Faulkner County Detention Center, filed this action alleging retaliatory discipline and other civil rights violations by officials at the detention center. Along with his Application to Proceed *In Forma Pauperis* (docket entry #8), Plaintiff submitted a calculation sheet showing that his inmate trust account reflected deposits of \$2,387.00 over a period of no more than six months, for an average of (at least) \$397.83 a month. Based on this information, the Court denied Plaintiff's *in forma pauperis* application, finding that he had sufficient financial reserves to pay the filing fee in this case. If Plaintiff wished to continue to pursue the case he would be required to submit the statutory \$350.00 filing fee within fourteen (14) days of the Order's entry date.

This Order (docket entry #9) was mailed to Plaintiff on December 5, 2008, at this last-known address, the Faulkner County Detention Center, and has not been returned to the Court as

undelivered. In an abundance of caution, the Court entered a second Order on January 8, 2009 (docket entry #11) giving Plaintiff an additional fourteen days in which to submit either the filing fee or a motion for reconsideration of the Court's order denying him pauper status. More than fourteen days have now passed since this most recent Order and Plaintiff has failed to respond in any way. Under these circumstances, the undersigned concludes that Plaintiff's Complaint should be dismissed without prejudice for failure to comply with Local Rule 5.5(c)(2).<sup>1</sup>

IT IS THEREFORE RECOMMENDED that Plaintiff's Complaint (docket entry #1) be dismissed without prejudice for failure to comply with Local Rule 5.5(c)(2), and all pending motions be DENIED AS MOOT.

DATED this 30 day of January, 2009.



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UNITED STATES MAGISTRATE JUDGE

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Local Rule 5.5(c)(2) provides that: "It is the duty of any party not represented by counsel to promptly notify the Clerk and the other parties to the proceedings of any change in his or her address, to monitor the progress of the case, and to prosecute or defend the action diligently. A party appearing for himself/herself shall sign his/her pleadings and state his/her address, zip code, and telephone number. If any communication from the Court to a *pro se* plaintiff is not responded to within thirty (30) days, the case may be dismissed without prejudice. Any party proceeding *pro se* shall be expected to be familiar with and follow the Federal Rules of Civil Procedure."