

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF ARKANSAS  
WESTERN DIVISION**

**JON BEVANS**

**PLAINTIFF**

**v.**

**CASE NO. 4:09cv00016 BSM**

**CITY OF CONWAY; MAYOR TAB TOWNSELL;  
Individually and in his Official Capacity as Mayor  
of Conway; CITY COUNCIL MEMBERS ANDY  
HAWKINS, DAVID GRIMES, MARK VAUGHT,  
SHELLEY MEHL, JACK BELL, MARY SMITH,  
THEODORE JONES, JR. and SHEILA WHITMORE,  
Individually and in their Official Capacities as City  
Council Members for the City of Conway; THE  
CONWAY POLICE DEPARTMENT; POLICE CHIEF  
A.J. GARY, Individually and in his Official Capacity as  
Police Chief of the Conway Police Department;  
JASON CAMERON, Individually and in his Official  
Capacity as a Conway Police Officer; and JOHN DOES  
#1 AND #2**

**DEFENDANTS**

**ORDER**

Defendants move for dismissal due to plaintiff's failure to comply with court orders.

[Doc. No. 36]. Plaintiff has not responded. The motion is granted.

On January 4, 2010, defendants' motion to compel discovery was granted and plaintiff was ordered to respond to outstanding discovery on or before January 18, 2010. [Doc. No. 27]. Plaintiff did not respond. On January 19, 2010, in response to plaintiff's counsel's motion to withdraw, plaintiff was ordered to obtain new counsel or state his intention to proceed *pro se* and provide the court with his contact information. [Doc. No. 30]. Plaintiff again failed to respond.

Federal Rule of Civil Procedure 41(b) states:

If the plaintiff fails to prosecute or to comply with these rules or a court order, a defendant may move to dismiss the action or any claim against it. Unless the dismissal order states otherwise, a dismissal under this subdivision (b) and any dismissal not under this rule - except one for lack of jurisdiction, improper venue, or failure to join a party under Rule 19 - operates as an adjudication on the merits.

Therefore, defendants' motion to dismiss [Doc. No. 36] is granted. Plaintiff's complaint is dismissed with prejudice for failure to comply with court orders. The motion to withdraw [Doc. No. 28] is granted and the motion to withdraw [Doc. No. 38] is denied as moot.

IT IS SO ORDERED this 5th day of March, 2010.

  
UNITED STATES DISTRICT JUDGE