

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

MONTONIO M. ROBERTS

PLAINTIFF

V.

4:09CV00076 BSM

J. MCMULLEN, Police Officer,  
North Little Rock Police Department

DEFENDANT

**ORDER**

On February 2, 2009, Plaintiff filed a *pro se* § 1983 Complaint alleging that Defendant North Little Rock Police Officer J. McMullen used excessive force against him during his December 3, 2009 arrest. *See* docket entries #2 and #3. When Plaintiff filed his Complaint, he was confined in the Pulaski County Detention Center. *Id.*

On February 13, 2009, the Court granted Plaintiff permission to proceed *in forma pauperis* and ordered service upon Defendant McMullen. *See* docket entry #4. Service has since been returned as unexecuted because Defendant McMullen no longer works for the North Little Rock Police Department. *See* docket entry #7. Similarly, a copy of the February 13, 2009 Order that was sent to Plaintiff at the Pulaski County Detention Center was returned as undeliverable because he was released from that facility sometime in February of 2009. *See* docket entry #6. Finally, Plaintiff has not provided the Court with a forwarding address.

It is unclear whether Plaintiff remains interested in pursuing this action and, if so, whether he is still entitled to proceed *in forma pauperis*.<sup>1</sup> Accordingly, the Court will give Plaintiff thirty

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<sup>1</sup> The Court's records demonstrate that no funds have been collected towards the payment of the \$350 filing fee in this action.

days to file: (1) a Statement indicating whether he wishes to continue with this action; and (2) an Amended (freeworld) Application to Proceed *In Forma Pauperis*.

IT IS THEREFORE ORDERED THAT:

1. The Clerk of the Court is directed to send Petitioner a (freeworld) Amended Application to Proceed *In Forma Pauperis*.

2. Plaintiff shall file, **within thirty days of the entry of this Order**: (a) a Statement indicating whether he wishes to continue with this lawsuit; and (b) an Amended Application to Proceed *In Forma Pauperis*.

3. Plaintiff is reminded that the failure to timely and properly comply with Order will result in the dismissal of this case, without prejudice, pursuant to Local Rule 5.5(c)(2).

Dated this 25th day of June, 2009

  
UNITED STATES DISTRICT JUDGE