

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

VERNON McKINLEY MARTIN

PLAINTIFF

vs.

Civil Case No. 4:09CV00127 HLJ

PERFECT 10 ANTENNA COMPANY

DEFENDANT

ORDER

On February 23, 2009, Plaintiff filed this complaint and a motion for the appointment of counsel (DE #3). The District Court referred the motion to this court for consideration. On April 1, 2009, this court entered an Order informing Plaintiff that, before the court ruled on the motion, Plaintiff must show he had made a diligent effort on his own to find counsel in this case. The court directed him to submit an affidavit no later than May 1, 2009, stating the names of the attorneys he contacted regarding this case, the dates he spoke with these attorneys, and why they declined to represent him. The court informed him in the Order that failure to respond would subject the motion to dismissal. Plaintiff has not submitted the affidavit to the court, which raises the possibility that he may not be interested in pursuing this lawsuit.

Rule 5.5(c)(2) of the Rules of the United States District Courts for the Eastern and Western Districts of Arkansas, referring to parties appearing pro se, states:

(2) Parties appearing pro se. 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.... 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....

Plaintiff is hereby directed to comply within thirty days with the court's Order entered on April 1, 2009. Failure to do so will subject this lawsuit to dismissal without prejudice.

SO ORDERED this 4<sup>th</sup> day of April, 2009.

*Henry L. Jones, Jr.*  
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United States Magistrate Judge