

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

VERNON McKINLEY MARTIN

PLAINTIFF

v.

Civil Case No. 4:09CV00127 HLJ

PERFECT 10 ANTENNA COMPANY

DEFENDANT

ORDER

Plaintiff filed this complaint on February 23, 2009, along with a motion for appointment of counsel (Doc. Nos. 2 and 3). This court referred the motion to the Magistrate Judge for consideration. On April 1, 2009, the Magistrate Judge directed the plaintiff to submit an affidavit within thirty days stating the names of at least three attorneys he had contacted regarding his case. Plaintiff did not respond to the order. On May 4, 2009, the Magistrate Judge entered a second order, informing plaintiff of 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, which 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. . . .

The court informed plaintiff that, if he did not respond to the court's order, his lawsuit would be subject to dismissal without prejudice for failure to prosecute. Both of the orders were mailed to plaintiff at his last known address, and neither was returned as undeliverable.

Plaintiff has failed to respond to two orders from the court and it appears he is no longer interested in pursuing this matter.

Accordingly, this complaint is dismissed without prejudice.

IT IS SO ORDERED this 16th day of June, 2009.


UNITED STATES DISTRICT JUDGE