

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

ROBERT L. ALLEN

PLAINTIFF

v.

No. 4:09CV00273 JLH

JAMES A. ELAM

DEFENDANT

ORDER OF DISMISSAL WITHOUT PREJUDICE

Robert Allen filed a complaint in this case on April 9, 2009. Although it is signed by Mr. Allen, his address and telephone number are not stated, and the complaint says that Allen brings this action “by Roscoe D. Cunningham, his attorney.” Mr. Cunningham’s signature appears at the end of the complaint with his address and telephone number. On April 15, 2009, the Clerk of the Court sent Mr. Cunningham a letter stating that he was not enrolled to practice in this district, so within 30 days, he would need to comply with the enrollment procedures and Local Rule 83.5. The letter included a copy of Local Rule 83.5 and an enrollment application. More than 30 days passed, and Mr. Cunningham did not apply for enrollment.

On May 26, 2009, the Court entered an order stating, in pertinent part:

IT IS THEREFORE ORDERED that counsel for plaintiff, Roscoe D. Cunningham, must notify the Court in writing no later than June 9, 2009, if he intends to continue as counsel of record for plaintiff in this matter. If Mr. Cunningham wishes to proceed as counsel for Mr. Allen, he must comply with the Local Rules of the Eastern District of Arkansas as stated in the letter sent by the Clerk’s Office.

On June 9, 2009, Mr. Cunningham wrote to the Clerk of the Court stating that he intended to hire a local lawyer, but the local lawyer whom he intended to hire did not respond to his letters and telephone calls. Mr. Cunningham requested that he be permitted to remain as attorney of record until a qualified attorney entered an appearance on behalf of the plaintiff.

Because the plaintiff in this action is not proceeding *pro se* and is not represented by an

attorney admitted to practice in the Eastern District Arkansas, this action is dismissed without prejudice. If the plaintiff chooses to refile his action, the complaint must be signed by an attorney authorized to practice in the Eastern District of Arkansas or the plaintiff must proceed *pro se* and comply with Local Rule 5.5(c)(2).

IT IS SO ORDERED this 12th day of June, 2009.

A handwritten signature in black ink that reads "J. Leon Holmes". The signature is written in a cursive style with a horizontal line underneath it.

J. LEON HOLMES
UNITED STATES DISTRICT JUDGE