

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

DERRICK MORGAN

PLAINTIFF

V.

CASE NO. 4:09CV00742 JMM

FLEMING

DEFENDANT

ORDER

By Order dated September 17, 2009, this Court granted plaintiff's application to proceed in forma pauperis in this action (#3). However, finding plaintiff's complaint too vague and conclusory to enable it to determine whether it was frivolous, failed to state a claim, or stated a legitimate cause of action, the Court directed plaintiff to file an amended complaint within thirty days of the date of the Order. The Court further advised plaintiff that failure to file such in accordance with the Court's directions would result in the dismissal without prejudice of his complaint. As of this date, however, plaintiff has not filed an amended complaint.

Rule LR5.5(c)(2) of the Rules of the United States District Courts for the Eastern and Western Districts of Arkansas provides as follows:

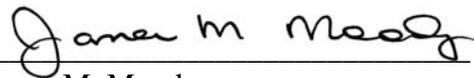
It is the duty of any party not represented by counsel to promptly notify the Clerk and the other parties to the proceedings of any change in his or her address, to monitor the progress of the case and to prosecute or defend the action diligently If any communication from the Court to a pro se plaintiff is not responded to within thirty (30) days, the case may be dismissed without prejudice. . . .

In light of plaintiff's failure to respond to this Court's September 17, 2009 Order, the Court will dismiss the complaint without prejudice. Accordingly,

IT IS, THEREFORE, ORDERED that this complaint is DISMISSED without prejudice.

An appropriate Judgment shall accompany this Order.

IT IS SO ORDERED this 15 day of June, 2010.

A handwritten signature in black ink that reads "James M. Moody". The signature is written in a cursive style with a large initial "J" and "M".

James M. Moody
United States District Court