

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

S A POTTER

PLAINTIFF

v.

4:09CV00863-WRW

TOWN OF BAUXITE, et al.

DEFENDANTS

ORDER

Pending is Defendants' Motion to Dismiss (Doc. No. 3). Plaintiff has not responded. For the reasons set out below, Defendants' Motion is GRANTED.

Plaintiff sued Defendants on November 16, 2009.¹ Defendants filed a Motion to Dismiss on December 7, 2009.² Plaintiff's response to Defendants' Motion was due on Thursday, December 24, 2009. Plaintiff filed no response. On December 28, 2009, I sent Plaintiff a letter alerting Plaintiff that since he had not filed a response, I assumed he agreed with Defendants' position in its Motion.³ I warned Plaintiff that if no response was filed by January 6, 2010, I would grant Defendants' Motion.⁴

Later on December 28, 2009, Plaintiff filed an unopposed Motion for Extension of Time to respond to Defendants' Motion.⁵ Plaintiff asked for an extension of time because the parties were

¹Doc. No. 1.

²Doc. No. 3.

³Doc. No. 7.

⁴*Id.*

⁵Doc. No. 10.

“attempting negotiations in this matter.”⁶ Plaintiff’s Motion was granted, and Plaintiff was directed to file a response by Wednesday, January 20, 2010.⁷

On January 20, 2010, Plaintiff filed another Motion for Extension of Time to respond to Defendants’ Motion, again stating that the parties were discussing the resolution of the case.⁸ Plaintiff was directed to file a response by January 28, 2010.⁹ Plaintiff filed no response by that date.

On February 1, 2001, this case was referred to U.S. Magistrate Judge Beth Deere for a settlement conference.¹⁰ The parties failed to reach an agreement at the settlement conference held by Judge Deere on March 17, 2010.¹¹

A March 18, 2010, Order directed Plaintiff to respond to Defendants’ Motion by 5:00 p.m., Thursday, April 1, 2010.¹² To date, Plaintiff has filed neither a response nor another motion for extension of time.

I have reviewed Defendants’ Motion, and it is well taken. Accordingly, Defendants’ Motion is GRANTED and this case is DISMISSED without prejudice.

IT IS SO ORDERED this 6th day of April, 2010.

/s/Wm. R. Wilson, Jr.
UNITED STATES DISTRICT JUDGE

⁶*Id.*

⁷Doc. No. 11.

⁸Doc. No. 13.

⁹Doc. No. 14.

¹⁰Doc. No. 16.

¹¹Doc. No. 26.

¹²Doc. No. 27.