

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

KEVIN HOLLAMON

PLAINTIFF

v.

CASE NO. 4:10CV00011 BSM

FRITO-LAY, INC.

DEFENDANT

ORDER

Pursuant to Rules 37(d) and 41(b) of the Federal Rules of Civil Procedure, defendant Frito-Lay, Inc. (“Frito Lay”) moves to dismiss plaintiff Kevin Hollamon’s complaint and for an award of expenses and attorneys’ fees associated with a recent deposition not attended by Hollamon. [Doc. No. 46]. That motion is denied.

Hollamon is hereby notified that Rule 5.5(c)(2) of the Rules of the United States District Courts for the Eastern and Western Districts of Arkansas requires *pro se* litigants to (1) promptly notify the court and the other parties in the case of any change of address; (2) to monitor the progress of the case; and (3) to prosecute or defend the action diligently. Moreover, Hollamon should be aware that the rule further provides that the failure of a *pro se* plaintiff to respond to any communication from the court within thirty (30) days may result in dismissal of the plaintiff’s case. Finally, any party proceeding *pro se* shall be expected to be familiar with and follow the Federal Rules of Civil Procedure as well as the Local Rules of this court. Failure to comply with these rules could result in dismissal of all claims. A copy of the Local Rules may be obtained from the District Clerk for the Eastern District of Arkansas. The Federal Rules of Civil Procedure are available in many libraries (including

this court's 2nd floor library, Room 224) and bookstores.

To resolve the apparent dilemma regarding depositions, the parties are hereby ordered to contact Betty Tyree, the courtroom deputy, and arrange times to use one of the courthouse's witness rooms to conduct all depositions.

IT IS SO ORDERED this 15th day of September, 2010.


Brian G. Miller
UNITED STATES DISTRICT JUDGE