

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

**RICHARD D. SMITH,
ADC # 134847**

PLAINTIFF

V.

No. 4:10CV01343 JMM-BD

SALINE COUNTY DETENTION FACILITY, *et al.*

DEFENDANTS

RECOMMENDED DISPOSITION

I. Procedure for Filing Objections:

The following recommended disposition has been sent to United States District Court Judge James M. Moody. Any party may serve and file written objections to this recommendation. Objections should be specific and should include the factual or legal basis for the objection. If the objection is to a factual finding, specifically identify that finding and the evidence that supports your objection. An original and one copy of your objections must be received in the office of the United States District Court Clerk no later than fourteen (14) days from the date of this Recommended Disposition. A copy will be furnished to the opposing party. Failure to file timely objections may result in waiver of the right to appeal questions of fact.

Mail your objections and "Statement of Necessity" to:

Clerk, United States District Court
Eastern District of Arkansas
600 West Capitol Avenue, Suite A149
Little Rock, AR 72201-3325

II. Background:

On September 17, 2010, Plaintiff, who was previously a detainee at the Saline County Detention Facility, filed this lawsuit pro se under 42 U.S.C. § 1983. (Docket entry #2) On September 22, 2010, he was ordered to file a complete application for leave to proceed *in forma pauperis* within thirty days. (#3) Plaintiff was notified that failure to comply with the Court's order could result in dismissal of his case.

Plaintiff has not responded to the Court's order and has not filed a complete application for leave to proceed *in forma pauperis* within the time allowed.

III. Conclusion:

The Court recommends that the District Court dismiss the complaint without prejudice, under Local Rule 5.5(c)(2), for failure to comply with the Court's order of September 22, 2010. (#3)

DATED this 27th day of October, 2010.



UNITED STATES MAGISTRATE JUDGE