

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

RICHARD DUNCAN

PLAINTIFF

V.

4:11CV00010 JMM/JTR

WADE, Deputy,
Pulaski County Detention Center, et al.

DEFENDANTS

ORDER OF DISMISSAL

Plaintiff, Richard Duncan, who is pretrial detainee at the Pulaski County Detention Center, has commenced this *pro se* § 1983 action alleging that Defendants violated his constitutional rights. *See* docket entry #2. On January 11, 2011, the Court entered an Order giving Plaintiff thirty days to file a prisoner trust fund calculation sheet. *See* docket entry #3. Importantly, the Court advised Plaintiff that the failure to timely and properly do so would result in the dismissal of his case, without prejudice, pursuant to Local Rule 5.5(c)(2).¹ *Id.*

As of the date of this Order of Dismissal, Plaintiff has failed to comply with the Court’s January 11, 2011 Order, and the time for doing so has expired.

IT IS THEREFORE ORDERED THAT:

1. Pursuant to Local Rule 5.5(c)(2), this case is DISMISSED, WITHOUT PREJUDICE,

¹ Local Rule 5.5(c)(2) provides that: “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. A party appearing for himself/herself shall sign his/her pleadings and state his/her address, zip code, and telephone number. *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. Any party proceeding pro se shall be expected to be familiar with and follow the Federal Rules of Civil Procedure.*” (Emphasis added.)

due to Plaintiff's failure to timely and properly comply with the Court's January 11, 2011 Order.

2. The Court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that an *in forma pauperis* appeal from this Order of Dismissal and the accompanying Judgment would not be taken in good faith.

Dated this 16th day of February, 2011.


UNITED STATES DISTRICT JUDGE