

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

JASON WEST,

Plaintiff,

vs.

E-Z MART STORES, INC.,

Defendant.

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No. 4:11CV00072 SWW

ORDER

Plaintiff filed his complaint in this matter on January 21, 2011, in Pulaski County Circuit Court. Defendant removed the case to federal court on January 31, 2011. On April 15, 2011, the Court granted a motion to withdraw filed by plaintiff's attorney and directed plaintiff to inform the Court within 30 days of the name and address of his new attorney or whether he intends to proceed *pro se*. Plaintiff failed to respond, and on July 12, 2011, the Court entered an order informing plaintiff of his obligation as a *pro se* plaintiff, to be familiar and comply with all the Federal Rules of Civil Procedure as well as the Local Rules of the Court. The Court warned plaintiff that failure to comply with the rules could result in the dismissal of his claim.

Now before the Court is defendant's motion to dismiss on the basis of plaintiff's failure to appear at the designated place and time for his deposition. Plaintiff failed to timely respond to the motion. Pursuant to Fed.R.Civ.P. 37(d), the Court finds the motion [docket entry 16] to dismiss should be granted.

IT IS THEREFORE ORDERED that this cause is hereby DISMISSED WITHOUT PREJUDICE.

DATED this 7th day of September, 2011.

/s/Susan Webber Wright
UNITED STATES DISTRICT JUDGE