

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

B&H CONSTRUCTION, INC. *
*
Plaintiff *
*
V. *
*
JACKIE A. BURKE *
*
Defendant *

NO: 4:11CV00075 SWW

JACKIE A. BURKE *
*
Counter Claimant *
*
V. *
*
B&H CONSTRUCTION, INC. *
*
Counter Defendant *
*
*

ORDER

Christopher R. Warthen, counsel for plaintiff/counter defendant B&H Construction, Inc. has failed to comply with Local Rule 83.5(d). By letter dated February 11, 2011, the Clerk notified Mr. Warthen that he is not enrolled to practice in this Court. The letter advised: "If our information is correct and you wish to appear . . . you will need to comply with the procedures that are contained in Local Rule 83.5 within 30 days." As of this date, Mr. Warthen has not sought admission to the bar of this Court.

Plaintiff/counter defendant B&H Construction, Inc., a corporation, cannot appear in this case without an attorney, enrolled to practice in this Court. See *Akra Direct Marketing Corp. v. Fingerhut Corp.*, 86 F.3d 852, 857 (8th Cir. 1996)(citing 28 U.S.C. § 1654); *United States v. Van Stelton*, 988 F.2d 70, 70 (8th Cir.1993)).

IT IS THEREFORE ORDERED that attorney Christopher R. Warthen shall, within 5 (five) days from the entry date of this order, either comply with procedures under Local Rule 83.5 for admission to the bar of this Court or serve a copy of this order upon B&H Construction, Inc. and mail proof of service to Chambers.

IT IS FURTHER ORDERED that, in the event that Mr. Warthen fails to take the steps necessary to appear in this case, B&H Construction, Inc. must retain new counsel, who must enter a notice of appearance in this case on or before April 15, 2011.

IT IS SO ORDERED THIS 29TH DAY OF MARCH, 2011.

/s/Susan Webber Wright

UNITED STATES DISTRICT JUDGE