

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

CARNELL JACKSON

PLAINTIFF

V.

4:11CV00468 JMM/JTR

PULASKI COUNTY, et al.

DEFENDANTS

ORDER OF DISMISSAL

Plaintiff, Carnell Jackson, filed his *pro se* § 1983 action while he was a pretrial detainee in the Pulaski County Detention Facility (“PCDF”). *See* docket entry #1. On September 9, 2011, an Initial Scheduling Order mailed to Plaintiff at the PCDF was returned undeliverable because he was released from custody, without providing the Court with a forwarding address.¹ *See* docket entry #22.

On September 13, 2011, the Court entered an Order giving Plaintiff thirty days to file: (1) a Statement indicating whether he wanted to continue with this lawsuit; and (2) an Amended (freeworld) Application to Proceed *In Forma Pauperis*. *See* docket entry #23. 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

¹ Plaintiff has previously *received* a June 21, 2011 Order advising him of the consequences, under Local Rule 5.5(c)(2), for failing to keep the Court informed of his current mailing address. *See* docket entry #2.

to Local Rule 5.5(c)(2).² *Id.*

As of the date of this Order of Dismissal, Plaintiff has failed to comply with the Court's September 13, 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, due to Plaintiff's failure to timely and properly comply with the Court's September 13, 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 18th day of October, 2011.


UNITED STATES DISTRICT JUDGE

² 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.)