

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

ANTHONY SMITH

PLAINTIFF

v.

Case No. 4:13-cv00025-KGB-JTK

TIMOTHY ADAMS

DEFENDANT

ORDER

This matter is before the Court on defendant's motion to dismiss, pursuant to Local Rule 5.5(c)(2), based on plaintiff's failure to correspond and comply with discovery requests (Dkt. No. 21). This Court directed plaintiff to file a response to the motion on July 2, 2013, and cautioned him that failure to respond could result in the dismissal without prejudice of this lawsuit for failure to prosecute (Dkt. No. 24). The copy of the Order sent to plaintiff at his last-known address was returned to sender on July 10, 2013 (Dkt. No. 25). As of this date, plaintiff has not filed a response to defendant's motion to dismiss or to the Court's July 2, 2013 Order.

Local Rule 5.5(c)(2) of the Rules of the United States District Courts for the Eastern and Western Districts of Arkansas provides as follows:

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 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. . . .

In light of plaintiff's failure to respond to defendant's motion to dismiss or to the Court's July 2, 2013 Order, the Court dismisses plaintiff's complaint without prejudice.

An appropriate Judgment shall accompany this Order.

IT IS SO ORDERED this 22nd day of October, 2013.



Kristine G. Baker
United States District Judge