

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

HILTON FOLEY,

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Plaintiff,

*

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vs.

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NO. 4:14 CV00164 SWW

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CENTRAL ARKANSAS TRANSIT
AUTHORITY, ET AL.,

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Defendants.

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ORDER

Before the Court is a motion filed by Central Arkansas Transit Authority, et al, (“Defendants”) to dismiss Hilton Foley’s (“Plaintiff”) *pro se* complaint on April 14, 2014 (docket entry #8). On April 18, 2014, the Court entered an Order which instructed Plaintiff that he is required to be familiar with and comply with all the Federal Rules of Civil Procedure as well as the Local Rules of this Court. The Court further informed Plaintiff that under the Local Rules, he has fourteen days from the date of service to file a statement in opposition to the motion to dismiss and that failure to do so could result in dismissal of his complaint. Plaintiff failed to file a timely response to the motion.¹ On May 19, 2014, the Court entered a second Order, warning Plaintiff that if a response to Defendants’ motion to dismiss is not filed within thirty days, Plaintiff’s complaint would be dismissed. Plaintiff failed to respond within the thirty day period as instructed by the Court.

The Local Rules provide that it is the duty of a party proceeding without counsel to promptly notify the Clerk and other parties of any change in his address and to prosecute the

¹The Clerk sent the Order by regular and certified mail, return receipt requested. There has been no return receipt.

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.” Local Rule 5.5(c)(2). More than thirty days have passed since the entry date of the Court’s second Order, and Plaintiff has neither responded to nor complied with the Court’s directive.

Under these circumstances, the Court concludes that this case should be dismissed without prejudice for failure to comply with Local Rule 5.5(c)(2). *See Miller v. Benson*, 51 F.3d 166, 168 (8th Cir. 1995) (“District courts have inherent power to dismiss *sua sponte* a case for failure to prosecute, and we review the exercise of this power for abuse of discretion.”).

IT IS THEREFORE ORDERED that Plaintiff’s Complaint (docket entry #2) be hereby DISMISSED WITHOUT PREJUDICE.

IT IS SO ORDERED THIS 25TH DAY OF JUNE, 2014.

/s/Susan Webber Wright

UNITED STATES DISTRICT JUDGE