

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

NATIONAL CONVENIENCE
SOLUTIONS LLC

PLAINTIFF

V.

TIMOTHY A. HATCHER

DEFENDANT

CASE NO. 4:16CV00272 SWW

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ORDER

By order entered April 12, 2017, the Court afforded Plaintiff fourteen days to take action toward the prosecution of this case or to file a status report stating whether it intended to do so.¹ The Court advised Plaintiff that if it failed to respond to the order, the Court would dismiss the case without prejudice. *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.”). As of the date of this order, Plaintiff has failed to respond to the Court’s order entered April 12, 2017.

¹On May 18, 2016, Plaintiff National Convenience Solutions LLC filed this action through counsel against defendant Timothy A. Hatcher, and on August 3, 2016, Plaintiff filed an amended complaint. On August 15, 2016, Plaintiff filed proof of service, showing that service of the complaint and summons was achieved on August 4, 2016. As of April 12, 2017, Defendant had not entered an appearance in this case, and Plaintiff had not moved for entry of a default pursuant to Rule 55(a) of the Federal Rules of Civil Procedure.

IT IS THEREFORE ORDERED that this action is DISMISSED WITHOUT
PREJUDICE for failure to prosecute.

IT IS SO ORDERED THIS 5TH DAY OF May, 2017.

/s/Susan Webber Wright
UNITED STATES DISTRICT JUDGE