

**IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF ARKANSAS  
LITTLE ROCK DIVISION**

**TIMOTHY C. PERRY**

**PLAINTIFF**

**v.**

**NO. 4:16CV00273 SWW**

**NORTH LITTLE ROCK  
POLICE DEPARTMENT**

**DEFENDANT**

**ORDER**

On May 18, 2016, Plaintiff commenced this case by filing a *pro se* complaint under 42 U.S.C. § 1983, along with an incomplete application to proceed *in forma pauperis*. On June 2, 2016, the Court entered an order directing Plaintiff to submit a completed application within thirty days, and the Court specifically warned Plaintiff that the failure to do so would result in the dismissal of his complaint. More than 30 days have passed, and Plaintiff has not filed an *in forma pauperis* application as directed, nor has he responded to the Court's order. Accordingly, this action will be dismissed without prejudice for failure to pay the filing fee, failure to comply with Local Rule 5.5(c)(2), and failure respond to the Court's order. *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 exercise of that power is reviewed for abuse of discretion).

IT IS THEREFORE ORDERED that this action is DISMISSED WITHOUT PREJUDICE. The Court certifies that an *in forma pauperis* appeal taken from this order and the accompanying judgment dismissing this action would be frivolous and not in good faith.

IT IS SO ORDERED THIS 14<sup>th</sup> DAY OF JULY, 2016.

/s/Susan Webber Wright

UNITED STATES DISTRICT JUDGE