

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

**KARL KRIDLER**

**PLAINTIFF**

**V.**

**4:17CV00718 SWW-JTK**

**DOES**

**DEFENDANTS**

**PROPOSED FINDINGS AND RECOMMENDATIONS**

**INSTRUCTIONS**

The following recommended disposition has been sent to United States District Judge Susan Webber Wright. Any party may serve and file written objections to this recommendation. Objections should be specific and should include the factual or legal basis for the objection. If the objection is to a factual finding, specifically identify that finding and the evidence that supports your objection. An original and one copy of your objections must be received in the office of the United States District Court Clerk no later than fourteen (14) days from the date of the findings and recommendations. The copy will be furnished to the opposing party. Failure to file timely objections may result in waiver of the right to appeal questions of fact.

If you are objecting to the recommendation and also desire to submit new, different, or additional evidence, and to have a hearing for this purpose before the District Judge, you must, at the same time that you file your written objections, include the following:

1. Why the record made before the Magistrate Judge is inadequate.
2. Why the evidence proffered at the hearing before the District Judge (if such a hearing is granted) was not offered at the hearing before the Magistrate Judge.

3. The detail of any testimony desired to be introduced at the hearing before the District Judge in the form of an offer of proof, and a copy, or the original, of any documentary or other non-testimonial evidence desired to be introduced at the hearing before the District Judge.

From this submission, the District Judge will determine the necessity for an additional evidentiary hearing, either before the Magistrate Judge or before the District Judge.

Mail your objections and “Statement of Necessity” to:

Clerk, United States District Court  
Eastern District of Arkansas  
600 West Capitol Avenue, Suite A149  
Little Rock, AR 72201-3325

#### **DISPOSITION**

Plaintiff Karl Kridler is in custody at the Pulaski County Detention Center. He filed a pro se 42 U.S.C. § 1983 action against Defendants and a Motion to Proceed In Forma Pauperis (Doc. Nos. 1, 2). The Court denied Plaintiff’s In Forma Pauperis Motion because the calculation sheet Plaintiff submitted was not signed by an authorized official of the incarcerating facility as required by 28 U.S.C. § 1915(a)(2) (Doc. No. 4). In a November 7, 2017 Order, Plaintiff was directed to either submit the \$400 statutory filing fee<sup>1</sup> or a completed in forma pauperis application, including a calculation sheet signed by an authorized official, within thirty (30) days. *Id.* Plaintiff was notified that if he did not respond within thirty (30) days, his case may be dismissed without prejudice. *Id.*

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<sup>1</sup> Effective May 1, 2013, the civil filing fee increased to \$400, due to the implementation of a \$50 administrative fee. This \$50 fee does not, however, apply to plaintiffs who are granted in forma pauperis status.

Plaintiff has not responded to the Court's November 7, 2017 Order directing him to pay the filing fee or file a complete in forma pauperis application (Doc. No. 4). Therefore, pursuant to Local Rule 5.5(c)(2), his Complaint should be dismissed without prejudice for failure to prosecute.<sup>2</sup>

IT IS, THEREFORE, RECOMMENDED that Plaintiff's Complaint be DISMISSED without prejudice for failure to prosecute.

IT IS SO RECOMMENDED this 8th day of December, 2017.



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JEROME T. KEARNEY  
UNITED STATES MAGISTRATE JUDGE

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<sup>2</sup> Local Rule 5.5(c)(2) provides, in relevant part:

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.