

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

**RUSSELL HOLLIDAY
ADC #171511**

PLAINTIFF

v.

No: 4:20-cv-00490 PSH

JONATHON WOODSON, et al.

DEFENDANTS

ORDER

Plaintiff Russell Holliday filed a *pro se* complaint pursuant to 42 U.S.C. § 1983 on May 8, 2020 (Doc. No. 2), and was subsequently granted leave to proceed *in forma pauperis* (IFP) pursuant to 28 U.S.C. § 1915(a) (Doc. No. 3). On April 28, 2021, Holliday notified the Court of a new free-world address, indicating that he had been released from custody (Doc. No. 50). The same day, the Court ordered Holliday to submit the remainder of the \$350.00 filing fee or file a fully completed and signed IFP application reflecting his free-world financial status within 30 days (Doc. No. 51). Holliday was cautioned that failure to comply with the Court's order within that time would result in the dismissal of his case, without prejudice, pursuant to Local Rule 5.5(c)(2).

More than 30 days have passed since the Court entered its April 28 Order, and Holliday has not complied or otherwise responded to the order. Accordingly, the Court finds that this action should be dismissed without prejudice for failure to

comply with Local Rule 5.5(c)(2) and failure to respond to the Court's orders. *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 HEREBY ORDERED THAT Holliday's complaint (Doc. No. 2) is DISMISSED WITHOUT PREJUDICE and the pending motion to set aside service filed by Defendant Charles Golden (Doc. No. 52) is denied as moot.

DATED this 7th day of June, 2021.



UNITED STATES MAGISTRATE JUDGE