

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

RICHARD D. HYATT
ADC #137614

PLAINTIFF

v.

Case No. 4:20-cv-00814-LPR

GRISHAM A. PHILIPS, et al.

DEFENDANTS

ORDER

Plaintiff Richard D. Hyatt is in custody at the Pine Bluff Unit of the Arkansas Department of Corrections. He filed this action *pro se*. (Doc. 2). On July 13, 2020, the Court denied Mr. Hyatt's Application to Proceed Without Prepayment of Fees ("Application") because the information he submitted was outdated. (Docs. 1, 3). Further, the form he used did not contain some information used by this Court in determining *in forma pauperis* status. (*Id.*). The Court directed Mr. Hyatt either to pay the filing fee or submit a proper and complete Affidavit, along with an updated certificate and calculation sheet, within thirty (30) days. (Doc. 3). Mr. Hyatt was warned that his failure to comply with the July 13, 2020 Order may result in the dismissal of his case without prejudice. LOCAL RULE 5.5(c)(2).

No docket entry reflected that the July 13 Order and Application had been mailed to Mr. Hyatt. Thus, the Court again directed the Clerk of Court to mail an Application to Mr. Hyatt. The docket reflects the Application was mailed on September 9, 2020. It has now been more than thirty (30) days since the last mailing.

Mr. Hyatt has not complied with or otherwise responded to the July 13, 2020 Order, and the time for doing so has passed. Accordingly, Mr. Hyatt's case is dismissed without prejudice pursuant to Local Rule 5.5(c)(2). The Court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that an

in forma pauperis appeal from this Order and the accompanying Judgment would not be taken in good faith.

IT IS SO ORDERED this 14th day of October 2020.

A handwritten signature in black ink, appearing to read 'Lee P. Rudofsky', written over a horizontal line. The signature is stylized and cursive.

LEE P. RUDOFSKY
UNITED STATES DISTRICT JUDGE