

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

**JACK ODEM III  
ADC #116620**

**PLAINTIFF**

**v.**

**No: 4:24-cv-00805-KGB-PSH**

**BENNY MAGNESS, *et al.***

**DEFENDANTS**

**PROPOSED FINDINGS AND RECOMMENDATION**

**INSTRUCTIONS**

The following Recommendation has been sent to Chief United States District Judge Kristine G. Baker. You may file written objections to all or part of this Recommendation. If you do so, those objections must: (1) specifically explain the factual and/or legal basis for your objection; and (2) be received by the Clerk of this Court within fourteen (14) days of this Recommendation. By not objecting, you may waive the right to appeal questions of fact.

**DISPOSITION**

Plaintiff Jack Odem, III filed a *pro se* complaint pursuant to 42 U.S.C. § 1983 on September 20, 2024, while incarcerated at the Arkansas Division of Correction's Maximum Security Unit (Doc. No. 2). On November 25, 2023, the Court ordered that the named defendants be served with process (Doc. No. 5).

On December 13, 2024, Odem notified the Court that he had a new free-world address (Doc. No. 6). On December 16, 2024, the Court ordered Odem to submit the \$350.00 filing fee, or to complete and sign an IFP application reflecting his free-world financial status, and to file it within 30 days (Doc. No. 7). Odem was cautioned that failure to comply with the Court's order within that time would result in the recommended dismissal of his case. *Id.*

More than 30 days have passed, and Odem has not complied or otherwise responded to the December 16 order. He has not submitted a current IFP application or paid the requiring filing fee.<sup>1</sup> 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 therefore recommended that Odem's complaint (Doc. No. 2) be dismissed without prejudice.

DATED this 29th day of January, 2025.



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UNITED STATES MAGISTRATE JUDGE

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<sup>1</sup> As of January 29, 2025, the Court has received no funds towards the filing fee in this case.