

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

EMONIE DRASHAWN RATTLER
ADC #181884

PLAINTIFF

v.

Case No. 4:24-cv-00870-LPR-JTK

ROOSEVELT G. BARDEN, et al.

DEFENDANTS

ORDER

Plaintiff Emonie Drashawn Rattler has not responded to the Court's October 11, 2024 Order directing him to either pay the \$405 statutory filing fee or file a completed Motion to Proceed *In Forma Pauperis* within 30 days.¹ The Court warned Plaintiff that his failure to do one or the other could result in the dismissal of his Complaint without prejudice.² Despite this warning, Plaintiff has not paid the filing fee, filed a completed Motion to Proceed *In Forma Pauperis*, or otherwise responded to the Court's October 11 Order—and the time for doing so has expired.

Rule 5.5(c)(2) of the Local Rules of the United States District Courts for the Eastern and Western Districts of Arkansas provides, in relevant part:

It is the duty of any party not represented by counsel to promptly notify the Clerk and the other parties to the proceedings of any change in his or her address, to monitor the progress of the case and to prosecute or defend the action diligently 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. . . .

Because Plaintiff has failed to respond, his Complaint (Doc. 2) is DISMISSED without prejudice for failure to prosecute. The Court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that an *in forma pauperis* appeal of this Order and the accompanying Judgment would not be taken in good faith.

¹ Order (Doc. 4). The Order was entered by United States Magistrate Judge Jerome T. Kearney.

² *Id.*

IT IS SO ORDERED this 22nd day of November 2024.

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

LEE P. RUDOFSKY
UNITED STATES DISTRICT JUDGE