

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
PINE BLUFF DIVISION**

WILLIAM T. MAYS, III

PLAINTIFF

v.

CASE NO. 5:06-CV-00218 BSM

CITY OF DERMOTT

DEFENDANT

ORDER

On August 17, 2006, plaintiff William T. Mays filed his complaint against defendant City of Dermott alleging that the defendant failed to promote and failure to provide him with suitable accommodations within a reasonable amount of time and caused undue hardship in violation of the Americans with Disabilities Act (“ADA”). This case is set for a bench trial Friday, January 9, 2009, at 9:30 a.m. Plaintiff’s pre-trial disclosure sheet was due on July 3, 2008, pursuant to an order entered by United States District Judge Susan Webber Wright on January 28, 2008. Plaintiff failed to comply with this order.

On December 29, 2008, the court directed plaintiff to file his pre-trial disclosure sheet, trial brief, and proposed findings of fact and conclusions of law on or before January 5, 2009. The court cautioned, “[i]f plaintiff fails to fully and timely comply with this order, his case will be dismissed.” Additionally, the court has contacted plaintiff via telephone on a number of occasions regarding this issue. To date, plaintiff has failed to file any response to the court’s orders. Therefore, the court finds that plaintiff’s complaint should be dismissed without prejudice for failure to timely comply with the court’s orders and failure to prosecute.

IT IS SO ORDERED THIS 7th day of January, 2009.


UNITED STATES DISTRICT JUDGE