

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

**BILLY HUNTER**

**PLAINTIFF**

**V.**

**CASE NO. 5:07cv00325-SWW-BD**

**ARKANSAS DEPARTMENT OF  
CORRECTION, et al.**

**DEFENDANTS**

**RECOMMENDED DISPOSITION**

**I. Procedure for Filing Objections**

The following recommended disposition has been sent to United States District Court Judge Susan Webber Wright. Any party may serve and file written objections to this recommendation. Objections should be specific and should include the factual or legal basis for the objection. If the objection is to a factual finding, specifically identify that finding and the evidence that supports your objection. An original and one copy of your objections must be received in the office of the United States District Court Clerk no later than eleven (11) days from the date you receive the Recommended Disposition. A copy will be furnished to the opposing party. Failure to file timely objections may result in waiver of the right to appeal questions of fact.

Mail your objections and "Statement of Necessity" to:

Clerk, United States District Court  
Eastern District of Arkansas  
600 West Capitol Avenue, Suite A149  
Little Rock, AR 72201-3325

## **II. Background**

On December 27, 2007, Plaintiff Billy Hunter, formerly an Arkansas Department of Correction (“ADC”) inmate, filed this case pro se under 42 U.S.C. § 1983 (docket entry #2). Plaintiff also filed an Application to Proceed *In Forma Pauperis* (#5). On January 28, 2008, the Court granted Plaintiff’s Application to Proceed *In Forma Pauperis* (#8).

On July 10, 2008, mail from the Court to Mr. Hunter, consisting of a copy of the Scheduling Order setting this case for an evidentiary hearing, was returned and marked “paroled” (#43). Accordingly, on July 29, 2008, the Court ordered Plaintiff to file a status report and new application to proceed *in forma pauperis* within thirty days to determine whether he should be required to pay all, or a portion, of the fees and costs of the lawsuit (#45). Plaintiff was warned that failure to comply with the Order could result in dismissal of the action under Local Rule 5.5(c)(2). The Order was sent to Plaintiff’s last known address. Plaintiff has not responded to the Court and has not filed an updated application to proceed *in forma pauperis* within the time allowed.

## **III. Conclusion**

The Court recommends that the District Court dismiss the Complaint (#2) without prejudice, under Local Rule 5.5(c)(2), for failure to comply with the Court’s Order of July 29, 2008 (#45).

DATED this 8th day of September, 2008.

A handwritten signature in black ink, appearing to read "B. D. [unclear]", written over a horizontal line.

UNITED STATES MAGISTRATE JUDGE