

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

ERIC RIDEOUT

PLAINTIFF

V.

CASE NO. 5:08CV00252 BSM/BD

SUSAN POTTS

DEFENDANT

RECOMMENDED DISPOSITION

I. Procedure for Filing Objections:

The following Recommended Disposition has been sent to United States District Judge Brian S. Miller. 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 September 4, 2008, Plaintiff, a pretrial detainee at the Drew County Detention Center, filed this lawsuit pro se under 42 U.S.C. § 1983 (docket entry #2). Plaintiff also moved to proceed *in forma pauperis* (#1). On September 9, 2008, the Court issued an Order (#3) granting the motion to proceed *in forma pauperis* and notifying Plaintiff of his responsibility to comply with Local Rule 5.5(c)(2). Since then, all of the mailings to Plaintiff have been returned as undeliverable (#5, #7, #12).

On October 23, 2008, the Court ordered Plaintiff to provide notice of his new address on or before November 27, 2008, and state whether he wishes to proceed with his lawsuit (#10). Plaintiff was notified that failure to timely comply with the Court's order could result in dismissal of his case. Plaintiff has failed to respond to the Court's Order. Accordingly, the Court recommends that Plaintiff's Complaint (#2) be dismissed without prejudice for failure to comply with the Court's Order (#10) and Local Rule 5.5(c)(2).

III. Conclusion:

The Court recommends that the District Court dismiss Plaintiff's Complaint without prejudice, under Local Rule 5.5(c)(2), for failure to comply with the Court's Order of October 23, 2008 (#10).

DATED this 3rd day of December, 2008.


UNITED STATES MAGISTRATE JUDGE