

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

**LEE CESTER MADDEN, JR.
ADC # 136534**

PLAINTIFF

V. CASE NO. 5:09CV00010-JLH-BD

STATE OF ARKANSAS, et al.

DEFENDANTS

RECOMMENDED DISPOSITION

I. Procedure for Filing Objections:

The following Recommended Disposition has been sent to United States District Court Chief Judge J. Leon Holmes. 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 January 12, 2009, Plaintiff filed this lawsuit pro se under 42 U.S.C. § 1983 (docket entry #2). Plaintiff moved to proceed *in forma pauperis* (#1).

On January 16, 2009, the Court issued an Order (#3) denying Plaintiff's motion for leave to proceed *in forma pauperis* and directing Plaintiff to file a complete application to proceed *in forma pauperis*, or pay the \$350.00 filing fee, within thirty days of entry of the order. The time allowed has now passed, and Plaintiff has failed to file a complete application to proceed *in forma pauperis* or pay the \$350.00 filing fee. Plaintiff was notified that failure to timely comply with the Court's order could result in dismissal of his case (#3). Accordingly, the Court recommends that Plaintiff's Complaint be dismissed without prejudice for failure to comply with the Court's Order 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 January 16, 2009 (#3).

DATED this 12th day of March, 2009.


UNITED STATES MAGISTRATE JUDGE