

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

MANUEL RODRIGUEZ
ADC #128041

PLAINTIFF

V.

5:09CV00062 BSM/JTR

FELICIA PIGGEE, CO-II,
Varner Unit, Arkansas Department of Correction

DEFENDANT

ORDER OF DISMISSAL

Plaintiff, who is currently incarcerated at the Maximum Security Unit of the Arkansas Department of Correction, has commenced this *pro se* § 1983 action alleging that defendant violated his constitutional rights while he was incarcerated at the Varner Unit. *See* docket entry #2. On March 3, 2009, the court entered an Order giving plaintiff thirty days to file an Amended Complaint containing information necessary for the court to complete the screening function mandated by 28 U.S.C. § 1915A. *See* docket entry #3. Importantly, the court advised plaintiff that the failure to timely and properly do so would result in the dismissal of his case, without prejudice, pursuant to Local Rule 5.5(c)(2).¹ *Id.* As of the date of this Order of Dismissal, plaintiff has failed to comply with the court's March 3, 2009 Order, and the time for doing so has expired.

IT IS THEREFORE ORDERED THAT:

¹ Local Rule 5.5(c)(2) provides that: "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. A party appearing for himself/herself shall sign his/her pleadings and state his/her address, zip code, and telephone number. *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. Any party proceeding pro se shall be expected to be familiar with and follow the Federal Rules of Civil Procedure.*" (Emphasis added.)

1. Pursuant to Local Rule 5.5(c)(2), this case is DISMISSED, WITHOUT PREJUDICE, due to plaintiff's failure to timely and properly comply with the court's March 3, 2009 Order.

2. The court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that an *in forma pauperis* appeal from this Order of Dismissal and the accompanying Judgment would not be taken in good faith.

Dated this 9th day of April, 2009.

Handwritten signature of Brian S. Miller in cursive script.

UNITED STATES DISTRICT JUDGE