

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

VIDA JEAN BRAKEFIELD SMITH

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Plaintiff

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VS.

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NO: 5:09CV0065 SWW

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ARKANSAS DEPARTMENT OF
CORRECTION, ET AL.

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Defendants

ORDER

Proceeding *pro se*, Plaintiff Vida Jean Brakefield Smith (“Smith”) commenced this employment dispute under Title VII of the 1964 Civil Rights Act against the Arkansas Department of Correction (“ADC”) and ADC employees Rhonda Westerman and Kevin Murphy. On March 20, 2010, the ADC filed a motion to dismiss for lack of prosecution.¹ The time for filing a response passed, and Smith failed to file a response. Subsequently, on May 12, 2010, the Court entered an order directing Smith to file a response to the motion to dismiss within ten days from the entry date of the order. The Court cautioned Smith that the failure to file a response would result in dismissal of this case without prejudice. As of this date, Smith has failed to file a response as ordered by the Court.

IT IS THEREFORE ORDERED that Defendant’s motion to dismiss for lack of

¹In support of its motion to dismiss, the ADC reported that counsel attempted to contact Smith to confer as required under the Federal Rules of Civil Procedure, but Smith failed to return counsel’s phone calls. Additionally, the ADC stated that Smith failed to comply with the Court’s order directing her to provide complete responses to discovery requests.

prosecution (docket entry #22) is GRANTED. Pursuant to the judgment entered together with this order, this case is DISMISSED WITHOUT PREJUDICE.

IT IS SO ORDERED THIS 27TH DAY OF MAY, 2010.

/s/Susan Webber Wright
UNITED STATES DISTRICT JUDGE