

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

**LANCE ANTHONY TUCKER**

**PLAINTIFF**

**VS.**

**NO. 5:09CV00076-SWW-BD**

**SUSAN POTTS  
AND MARK GOBER**

**DEFENDANTS**

**RECOMMENDED DISPOSITION**

**I. Procedure for Filing Objections**

The following Recommended Disposition has been sent to United States District 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 March 11, 2009, Plaintiff Lance Anthony Tucker filed this 42 U.S.C. § 1983 action (docket entry #2) pro se, along with a Motion for Leave to Proceed *in forma pauperis* (#1). On March 12, 2009, this Court granted Plaintiff leave to proceed *in forma pauperis* and ordered him to file an amended complaint within thirty days of the entry of the Order (#3). The Order notified Plaintiff of his duties under Local Rule 5.5(c)(2) and cautioned Plaintiff that failure to comply with the Order could result in dismissal of his complaint (#3). Plaintiff failed to file an amended complaint.

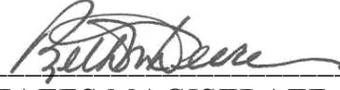
On April 21, 2009, the Court noted that Plaintiff was no longer incarcerated in the Drew County Detention Facility and ordered Plaintiff to provide notice of his new address (#7). In addition, this Court again ordered Plaintiff to file an amended complaint. Plaintiff was given until May 16, 2009, to comply. Plaintiff has failed to provide his new address or file an amended complaint, and the time to do so has passed. Accordingly, Plaintiff's Complaint (#2) should be dismissed without prejudice under Local Rule 5.5(c)(2).

## **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 Orders of

March 12, 2009 (#3) and April 21, 2009 (#7).

DATED this 18th day of May, 2009.

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

UNITED STATES MAGISTRATE JUDGE