

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

LESTER R. THOMAS
ADC #141712

PETITIONER

NO. 5:09CV00090 BSM/HDY

LARRY NORRIS, Director,
Arkansas Department of Correction

RESPONDENT

ORDER

On March 23, 2009, petitioner was directed to pay the \$5.00 filing fee for this action, or to file, within 30 days, an application for leave to proceed *in forma pauperis* (Doc. No. 2). Petitioner was also advised that his failure to comply with the order would result in the dismissal of his petition. To date, petitioner has not paid the filing fee, filed an application for leave to proceed *in forma pauperis*, or otherwise responded to the order.

Local Rule 5.5(c)(2) of the Rules for the United States District Court for the Eastern District of Arkansas provides as follows:

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.

In light of petitioner's failure to respond to the March 23, 2009, order, the court will dismiss the petition without prejudice.

IT IS THEREFORE ORDERED THAT this petition is DISMISSED WITHOUT PREJUDICE. An appropriate judgment shall accompany this order.

IT IS SO ORDERED this 30th day of April, 2009.



UNITED STATES DISTRICT JUDGE