

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

**RUFUS GRAY
ADC #141375**

PLAINTIFF

v.

CASE NO. 5:09cv00214 BSM/JTR

**PATRICIA PAGE, Sergeant, Cummins Unit,
Arkansas Department of Correction, et al.**

DEFENDANTS

ORDER OF PARTIAL DISMISSAL

Plaintiff Rufus Gray (“Gray”), a prisoner at the Cummins Unit of the Arkansas Department of Corrections, brings this *pro se* 42 U.S.C. § 1983 action alleging, among other things, that separate defendant Rory Griffin (“Griffin”) failed to provide him with adequate medical care for an eye injury. *See* Doc. Nos. 2, 5.

On December 15, 2009, Griffin filed a motion to dismiss [Doc. No. 48], arguing that Gray failed to state a viable § 1983 claim against him. On the same day, Gray was ordered to respond within thirty (30) days of the order. [Doc. No. 50]. Gray was further advised that his failure to respond could result in the dismissal of his action without prejudice. Local Rule 5.5(c)(2) provides:

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). As of today Gray has failed to comply with the December 15, 2009 order, and the time for doing so has expired.

IT IS THEREFORE ORDERED THAT:

1. Griffin's motion to dismiss [Doc. No. 48] is GRANTED. Gray's claims against Griffin are DISMISSED WITHOUT PREJUDICE.

2. The court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that an *in forma pauperis* appeal from this order of partial dismissal would not be taken in good faith.

Dated this 3rd day of February, 2010.


UNITED STATES DISTRICT JUDGE