

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

**KINGRALE COLLINS,
ADC #SK945**

PLAINTIFF

v.

CASE NO. 5:10cv00244 BSM/JTR

**DR. S. NORTEN, Varner Unit,
Arkansas Department of Correction, et al.**

DEFENDANTS

ORDER OF DISMISSAL

Plaintiff, Kingrale Collins, a prisoner in the Varner Super Max Unit of the Arkansas Department of Correction, has commenced this *pro se* § 1983 action alleging that defendants violated his constitutional rights. *See* Doc. Nos. 1, 4.

On October 29, 2010, an order was entered denying plaintiff's application to proceed *in forma pauperis* and giving him thirty days to pay the \$350 filing fee in full. *See* Doc. No. 9. Importantly, plaintiff was advised 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). 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). As of today's date, plaintiff has failed to comply with the October 29,

2010 order, and the time for doing so has expired.

IT IS THEREFORE ORDERED THAT:

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 October 29, 2010 order.

2. It is certified, 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 8th day of December, 2010.


UNITED STATES DISTRICT JUDGE