

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

ERIC CHARLES BURGIE,
ADC #120956

PLAINTIFF

v.

No. 5:11CV00122 JLH-JJV

MARVIN EVANS, JR., Deputy Director,
Arkansas Department of Correction; *et al.*

DEFENDANTS

MEMORANDUM AND ORDER

This matter is before the Court on Defendants' Motion for Judgment on the Pleadings (Doc. No. 12). This Court directed Plaintiff to respond to the Motion within ten days, by Order dated January 6, 2012 (Doc. No. 14). The Court further advised Plaintiff that failure to respond could result in the dismissal without prejudice of the Complaint for failure to prosecute. As of this date, Plaintiff has not filed a Response to the Motion, or otherwise corresponded with this Court.

Rule 5.5(c)(2) of the Rules of 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 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. . . .

Loc. R. 5.5(c)(2).

In light of Plaintiffs' failure to respond to this Court's January 6, 2012 Order, the Court will dismiss the Complaint without prejudice. Accordingly,

IT IS, THEREFORE, ORDERED that this Complaint is DISMISSED without prejudice.

IT IS FURTHER ORDERED that Defendants' Motion for Judgment on the Pleadings (Doc. No. 12) is DENIED as moot.

An appropriate Judgment shall accompany this Memorandum and Order.

IT IS SO ORDERED this 14th day of February, 2012.

A handwritten signature in black ink that reads "J. Leon Holmes". The signature is written in a cursive style with a large initial "J".

J. LEON HOLMES
UNITED STATES DISTRICT JUDGE