

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

**DEMARICO JAMOND HAY, ADC #151513;
and DONTE CHAMBERS, ADC #118751**

PLAINTIFFS

v.

No. 5:12-cv-462-DPM-JTK

**ARKANSAS DEPARTMENT OF CORRECTION;
VARNER UNIT; JOE PAGE, III, Warden, Varner Unit,
ADC; KEISHAUNDRA MALONE, Captain, Varner
Unit, ADC; DARYL GARDNER, Sgt., Varner Unit,
ADC; LYNDON CORDELL ALLEN**

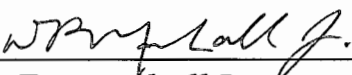
DEFENDANTS

ORDER

On 10 January 2013, this Court directed Hay and Chambers, state inmates at the Varner Unit of the Arkansas Department of Correction (ADC), to pay the \$350 filing fee for this action or file motions to proceed *in forma pauperis*. *Document No. 2*. The Court also warned them of *Local Rule 5.5(c)(2)* and the consequences of noncompliance. *Ibid*. Hay filed a motion to proceed *in forma pauperis* on 5 February 2013. *Document No. 3*. Chambers has not responded to the Court's Order. In light of his failure to prosecute, the Court

dismisses him from the complaint without prejudice.

So Ordered.



D. P. Marshall Jr.

United States District Judge



21 February 2013