

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
EL DORADO DIVISION

JOHNATHAN BRYANT GOODWIN

PLAINTIFF

VS.

CASE NO. 08-CV-1027

GROSS & JANES COMPANY

DEFENDANT

ORDER

On January 26, 2009, the Court entered an Order to show cause (Doc. No. 25) to the Plaintiff for failure to participate in the framing of a discovery plan, specifically for not participating with the Defendant in holding the Rule 26(f) conference or filing the Joint Rule 26(f) Report. The Order gave the Plaintiff until February 10, 2009, to show cause why he has failed to participate in the framing of a discovery plan in this case. Plaintiff has failed to contact the Court or show cause why this action should not be dismissed.

Therefore, Plaintiff's lawsuit against the Defendant is hereby **dismissed** without prejudice. See Fed. R. Civ. P. 41(b). If this matter is refiled in any court, Plaintiff will be ordered to pay any costs and expenses including reasonable attorney's fees which are duplicated as a result of refileing.

IT IS SO ORDERED, this 3rd day of March, 2009.

/s/Harry F. Barnes
Hon. Harry F. Barnes
United States District Judge