

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
FORT SMITH DIVISION

JOHNNY ROBINSON

PLAINTIFF

v.

Civil No. 08-2040

CAPTAIN TERRY REA;
LT. VENA CUPP;
SHERIFF MIKE ALLEN;
NURSE NICK TAYLOR;
JEFF MARVIN; ISREAL BURGOS;
and DEPUTY WATERDOWN

DEFENDANTS

MEMORANDUM OPINION

Johnny Robinson filed this *pro se* civil rights action pursuant to 42 U.S.C. § 1983 on May 13, 2008. His complaint was filed *in forma pauperis* (IFP). The case is before the undersigned pursuant to the consent of the parties (Doc. 20).

On January 15, 2010, defendants filed a motion for summary judgment (Doc. 35). On June 16, 2010, the undersigned entered an order (Doc. 38) directing Robinson to complete, sign and return an attached questionnaire that would serve as his response to the summary judgment motion.

The plaintiff's response to the questionnaire was to be returned by July 14, 2010. To date, the plaintiff has failed to respond to the questionnaire. The court's order and attached questionnaire have not been returned as undeliverable. The order was mailed to the same address as the court's prior orders. Plaintiff has not informed the court of any change in his address or communicated with the court in anyway.

In a separate judgment entered this same date, this case will be dismissed on the grounds the plaintiff has failed to prosecute this action and comply with the order of the court. *See* Fed. R. Civ. P. 41(b).

DATED this 5th day of August 2010.

/s/ J. Marschewski

HON. JAMES R. MARSCHESKI
CHIEF UNITED STATES MAGISTRATE JUDGE