

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

SINGLETON CONTRACTORS, INC.

PLAINTIFF

v.

Case No. 08-2046

FIREMAN'S FUND

DEFENDANT

**ORDER**

Now before the Court is the above-styled cause. On September 3, 2008, the Court permitted Plaintiff's counsel, Craig Cook, to withdraw as counsel for Plaintiff. The Court advised Plaintiff it had until September 22, 2008, for new counsel to enter an appearance on its behalf and that failure to comply with this order might result in the dismissal of Plaintiff's Complaint (Doc. 15). On September 30, 2008, Craig Cook filed two affidavits of service (Docs. 18-19) verifying that Mr. Cook mailed a copy of the Motion to Withdraw (Doc. 14) and the Court's Order (Doc. 15) to Plaintiff. Both return receipts were signed by Vornal Singleton on September 19, 2008.

As of this date, Plaintiff has not complied with the Court's order or communicated to the Court in any way that it intends to proceed with this action. Accordingly, Plaintiff's case is DISMISSED WITHOUT PREJUDICE on the grounds that Plaintiff has failed to prosecute it and has failed to comply with Court orders. See Fed. R. Civ. P. 41(b). Should Plaintiff re-file this action, Defendant may petition the Court to require the Plaintiff to show good and adequate cause for its failure to

prosecute the instant action before it is allowed to proceed with a second action. Defendant's Motion to Dismiss Plaintiff's Amended Complaint (Doc. 16) is DENIED AS MOOT. The U.S. District Clerk is directed to mail a copy of this order to Plaintiff c/o Carl Singleton, 19996 Homestead, Boles, Arkansas 72926.

IT IS SO ORDERED this 7th day of October 2008.

/s/ Robert T. Dawson  
Honorable Robert T. Dawson  
United States District Judge