

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

RONALD FAY BROWN

PLAINTIFF

v.

Civil No. 08-2103

SHERIFF FRANK ATKINSON;
and MIKE CONGER, Jail
Administrator, Sebastian County
Adult Detention Center

DEFENDANTS

MEMORANDUM OPINION

Ronald Fay Brown filed this *pro se* civil rights action pursuant to 42 U.S.C. § 1983 on September 19, 2008. His complaint was filed *in forma pauperis* (IFP).

On September 3, 2009, defendants filed a motion for summary judgment (Doc. 26). On July 13, 2010, the undersigned entered an order (Doc. 29) directing Brown 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 August 4, 2010. On July 21, 2010, the court received returned mail indicating Brown was no longer in the custody of the Sebastian County Adult Detention Center. The court obtained the home address Brown had provided to the detention center and entered a change of address on his behalf (Doc. 30). The court's order and summary judgment questionnaire were sent to Brown at his home address. No mail has been returned as undeliverable from this address.

To date, Brown has failed to respond to the questionnaire. Brown has not requested an extension of time to respond or otherwise communicated with the court. Brown's claims will, therefore, be dismissed on the grounds he has failed to prosecute this action and comply with the order of the court. *See Fed. R. Civ. P. 41(b)*.

DATED this 25th day of August 2010.

/s/ J. Marschewski

HON. JAMES R. MARSCHEWSKI
CHIEF UNITED STATES MAGISTRATE JUDGE