

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

ANTONY DEAN FEARS

PLAINTIFF

v.

Civil No. 09-2096

MIKE ALLEN, Sheriff, Crawford  
County, Arkansas; CAPTAIN MIKE  
MARVIN, Crawford County Detention  
Center; LT. VENA CUPP,  
Crawford County Detention Center;  
and CPL. MATHEW LANGLEY,  
Crawford County Detention Center

DEFENDANTS

**MEMORANDUM OPINION**

Anthony Dean Fears filed this *pro se* civil rights action pursuant to 42 U.S.C. § 1983. He proceeds *pro se* and *in forma pauperis*.

On April 7, 2010, an order (Doc. 21) was entered granting the defendants' motion to compel. Fears was directed to provide the defendants with discovery responses by April 30, 2010. On May 12, 2010, defendants filed a motion to dismiss (Doc. 22). In the motion, defendants state they have not received the discovery responses from the plaintiff. Plaintiff has not responded to the motion to dismiss. No mail has been returned to the court as undeliverable.

Pursuant to the provisions of Rule 41(b) of the Federal Rules of Civil Procedure, this case will be dismissed based on Fears' failure to comply with the order of the court and his failure to prosecute this action. By separate order entered this same day, the defendants' motion to dismiss (Doc. 22) will be granted.

DATED this 5th day of January 2011.

*/s/ J. Marschewski*

HON. JAMES R. MARSCHEWSKI  
CHIEF UNITED STATES MAGISTRATE JUDGE