

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

STEVE AND SHANNA ARRINGTON

PLAINTIFFS

v.

Case No. 2:11-CV-02089

MGC MORTGAGE, INC.

DEFENDANT

ORDER

Currently before the Court is Defendant's Motion to Dismiss without Prejudice. (Doc. 14). On August 30, 2011, the Court entered an order permitting Plaintiffs' counsel to withdraw. (Doc. 13). The Court granted Plaintiffs until September 26, 2011 to retain new counsel or to advise the Court if they intended to proceed *pro se*. The Court further advised Plaintiffs that failure to comply with that order might result in the dismissal of their action. Plaintiffs' former counsel, Jered Medlock, was directed to provide Plaintiffs with a copy of the Court's order. Mr. Medlock has represented to the Court that the Order was sent to Plaintiffs.

As of this date, Plaintiffs have not complied with the Court's order or communicated to the Court in any way that they intend to proceed with this action. Accordingly, IT IS HEREBY ORDERED that Defendant's Motion to Dismiss (Doc. 14) is GRANTED. Plaintiffs' case is hereby DISMISSED WITHOUT PREJUDICE on the grounds that they have failed to prosecute it and have failed to comply with an Order of the Court. *See* Fed. R. Civ. P. 41(b). Should Plaintiffs re-file this action, Defendant may petition the Court to require Plaintiffs to show good and adequate cause for their failure to prosecute the instant action before they are allowed to proceed with a second action.

The Court Clerk is directed to ensure Plaintiffs' former counsel, Jered Medlock, receives a copy of this order. Mr. Medlock is directed to provide a copy of this order to Plaintiffs at their last

known address.

IT IS SO ORDERED this 7th day of December, 2011.

/s/ P. K. Holmes, III

P.K. HOLMES, III
UNITED STATES DISTRICT JUDGE