

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

KENNETH W. LOOPER, JR.

PLAINTIFF

v.

Case No. 11-2237

GREENE'S ENERGY GROUP, LLC

DEFENDANT

ORDER

Now before the Court is the Motion to Dismiss for Failure to Prosecute Claims and Comply with Court Order (doc. 14) filed by Defendant. On June 27, 2012, the Court permitted Plaintiff's counsel, Mark Ford, to withdraw. The Order further directed Plaintiff to advise the Court within thirty (30) days as to whether he wished to retain new counsel or proceed *pro se* (doc. 12). On June 28, 2012, Mr. Ford filed a certificate of service notifying the Court he served a copy of the Order on Plaintiff at his last known residence and place of employment (doc. 13). In addition, the Court has attempted to contact Plaintiff by telephone at two different numbers to no avail.

On November 2, 2012, the Court again issued an Order directing Plaintiff to respond to Defendant's motion by November 13, 2012, and advising that failure to do so would result in the dismissal of his Complaint. This Order was mailed to Plaintiff at his last known residence and place of employment, as well as his previous counsel. To date, the

Court has received no response or correspondence of any kind from Plaintiff, and no mail has been returned as undeliverable.

Accordingly, Defendant's Motion to Dismiss (doc. 14) is GRANTED. Plaintiff's Complaint is hereby DISMISSED WITHOUT PREJUDICE on the grounds that he 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 Plaintiff to show good and adequate cause for his failure to prosecute the instant action before he is allowed to proceed with a second action.

The U.S. District Clerk is directed to send a copy of this Order to Plaintiff's former counsel, Mark Ford, and mail a copy to Plaintiff at the following addresses:

Kenneth W. Looper, Jr.
2820 Tillis Avenue
Fort Smith, AR 72901

Kenneth W. Looper, Jr.
c/o OK Foods
6th and Wheeler
Fort Smith, AR 72904

Kenneth W. Looper, Jr.
1017 North 14th Street
Fort Smith, AR 72901

IT IS SO ORDERED this 14th day of November 2012.

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