

**IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF ARKANSAS  
HARRISON DIVISION**

**TOREY BRETT LOGAN**

**PLAINTIFF**

**V.**

**CASE NO. 3:17-CV-03114**

**OFFICER KEVIN HUNT, Carroll  
County Detention Center (CCDC);  
LIEUTENANT J. WILLIAMS, CCDC;  
And MAJOR FRYE, CCDC**

**DEFENDANTS**

**OPINION AND ORDER**

This is a civil rights action filed by the Plaintiff pursuant to 42 U.S.C. § 1983. Plaintiff proceeds *pro se* and *in forma pauperis*. He currently lives in New Mexico.

On June 8, 2018, the Defendants filed a Motion for Summary Judgment (Doc. 21). On June 13, 2018, the Court entered an Order (Doc. 25) directing Plaintiff to file a response to the Motion for Summary Judgment by July 5, 2018. Plaintiff was advised that failure to respond to the Order would subject the case to dismissal without prejudice.

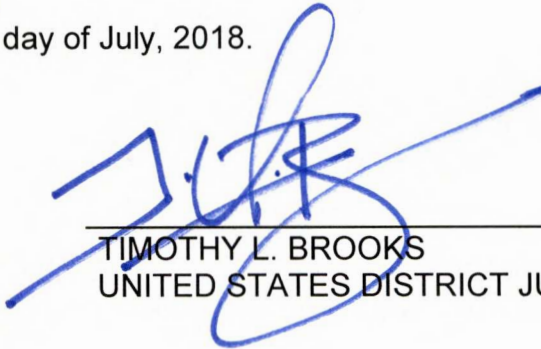
To date, Plaintiff has not filed a response to the Motion for Summary Judgment. He has not requested an extension of time to file his response. No mail has been returned as undeliverable. Plaintiff has therefore failed to comply with the Court's Order requiring him to file his summary judgment response by July 5, 2018.

The Federal Rules of Civil Procedure specifically contemplate dismissal of a case on the ground that the plaintiff failed to prosecute or failed to comply with order of the court. Fed. R. Civ. P. 41(b); *Line v. Wabash R.R. Co.*, 370 U.S. 626, 630-31 (1962) (stating that the district court possesses the power to dismiss *sua sponte* under Rule 41(b)). Pursuant to Rule 41(b), a district court has the power to dismiss an action based

on "the plaintiff's failure to comply with *any* court order." *Brown v. Frey*, 806 F.2d 801, 803-04 (8th Cir. 1986) (emphasis added). Additionally, Rule 5.5(c)(2) of the Local Rules for the Eastern and Western Districts of Arkansas requires parties appearing *pro se* to monitor the case and to prosecute or defend the action diligently.

Therefore, pursuant to Rule 41(b), this case is **DISMISSED WITHOUT PREJUDICE** based on Plaintiff's failure to prosecute this case, his failure to obey the order of the Court, and his failure to comply with Local Rule 5.5(c)(2). Fed. R. Civ. P. 41(b).

IT IS SO ORDERED on this 12<sup>th</sup> day of July, 2018.



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TIMOTHY L. BROOKS  
UNITED STATES DISTRICT JUDGE