

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

TOREY BRETT LOGAN

PLAINTIFF

v.

Civil No. 3:17-cv-03115

LIEUTENANT J. WILLIAMS;
SERGEANT A. LEMUS; SERGEANT
ZELLER; and SERGEANT MORRELL

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*. When he filed this case, Plaintiff was incarcerated in the Carroll County Detention Center. Plaintiff is no longer incarcerated.

On June 6, 2018, the Defendants filed a Motion to Compel (Doc. 21). Plaintiff did not respond to the Motion to Compel. The Motion was granted by Order (Doc. 23) entered on July 12, 2018. Plaintiff was ordered to provide the Defendants with responses to discovery by July 31, 2018. Defendants were advised to file a motion to dismiss if Plaintiff did not comply with the Order.

On August 2, 2018, Defendants filed a Motion to Dismiss (Doc. 24). In the Motion, Defendants state that Plaintiff has failed to provide the discovery responses. Defendants also note that Plaintiff's last communication with the Court occurred on February 6, 2018, when Plaintiff submitted a change of address (Doc. 10).

Plaintiff has not responded to the Motion to Dismiss. He has not sought an extension of time to provide the discovery responses or to respond to the Motion to Dismiss. Plaintiff has not complied with the Order (Doc. 23) directing him to provide

Defendants with discovery responses. Plaintiff has not communicated with the Court in any way. No mail has been returned as undeliverable.

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 Complaint should be and hereby 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 7th day of September, 2018.



TIMOTHY L. BROOKS
UNITED STATES DISTRICT JUDGE