

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

RHONDA BRASEL, Individually and as
Next Best Friend and Guardian of
Christopher Albright and Nathan K.
Thomas, *et al.*

PLAINTIFFS

V.

CASE NO. 4:07cv4037

WEYERHAEUSER COMPANY and DOES 1
through 100

DEFENDANTS

ORDER

On January 30, 2014, the Court entered an Order directing *pro se* Plaintiffs¹ to file a response to Defendant's Motion for Entry of Take-Nothing Judgment with Prejudice on the Entire Case. (ECF No. 295). Plaintiffs did not file a response as directed. On March 4, 2014, the Court ordered Plaintiffs to show cause to the Court why they had not responded to Defendant's motion. (ECF No. 298). The Order stated that failure to comply would result in dismissal. On March 10, 2014, Plaintiffs responded to the Show Cause Order by filing a Motion to Appoint Counsel stating that they needed help understanding the "legal format" and some of the legal terms. (ECF Nos. 299 and 300). Plaintiffs' Motion to Appoint Counsel was denied on March 12, 2014, and the Court reminded Plaintiffs of their obligation to comply with the Show Cause Order on or before March 18, 2014. (ECF No. 302).

Plaintiffs have failed to comply with the Show Cause Order and have failed to obey the Court's order to respond to Defendant's Motion for Entry of Take-Nothing Judgment with Prejudice on the Entire Case. Plaintiffs state that the reason they have not yet filed their response

¹ In this Order, the term "Plaintiffs" refers to Jeffrey Wayne Deer and Rena Karla Howard.

is that they do not understand the legal process or the legal terms. This reason, however, does not excuse Plaintiffs from filing a response to Defendant's motion. *See Schooley v. Kennedy*, 712 F.2d 372, 373 (8th Cir. 1983) ("Although pro se pleadings are to be construed liberally, pro se litigants are not excused from compliance with relevant rules of the procedural and substantive law.") Further, Plaintiffs' inability to retain counsel does not excuse their failure to file the response. *Id.* at 374. Plaintiffs have been reminded twice to file a response to Defendant's motion. (ECF Nos. 298 and 302).

Because Plaintiffs have failed to comply with the Order (ECF No. 295) directing them to file the response and because Plaintiffs have not stated an adequate reason for not complying with the Order, the Court finds that their claims should be and hereby are **DISMISSED WITH PREJUDICE** pursuant to Fed. R. Civ. P. 41(b).

IT IS SO ORDERED, this 24th day of March, 2014.

/s/ Susan O. Hickey
Susan O. Hickey
United States District Judge