

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

SANDRA L. FULCE

PLAINTIFF

v.

Case No. 4:10-CV-04185

BLUE CROSS AND BLUE SHIELD OF
ARKANSAS, INC.

DEFENDANT

O R D E R

Currently before the Court is Defendant's Motion to Dismiss for Lack of Prosecution. (Doc. 10). On June 3, 2011, the Court entered an order permitting Plaintiff's counsel to withdraw. (Doc. 9). The Court granted Plaintiff until June 24, 2011 to retain new counsel or to advise the Court if she intended to proceed *pro se*. The Court further advised Plaintiff that her failure to comply with that order might result in the dismissal of her action. Plaintiff's former counsel, John Walker, was directed to provide Plaintiff with a copy of the Court's order. Mr. Walker has substantiated to the Court that he both emailed Plaintiff a copy and sent a copy via certified mail. It appears that Plaintiff refused acceptance of the copy sent via certified mail.

As of this date, Plaintiff has not complied with the Court's order or communicated to the Court in any way that she intends to proceed with this action. Accordingly, IT IS HEREBY ORDERED that Defendant's Motion to Dismiss (Doc. 10) is GRANTED. Plaintiff's case is hereby DISMISSED WITHOUT PREJUDICE on the grounds that she has 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 the Plaintiff 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 Plaintiff's former counsel, John Walker, receives a copy of this order. Mr. Walker is directed to provide a copy of this order to Plaintiff at her last known address.

IT IS SO ORDERED this 27th day of July 2011.

/s/ Paul K. Holmes, III

**PAUL K. HOLMES, III
UNITED STATES DISTRICT JUDGE**