

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

**MELVIN TODD RELIFORD**

**PLAINTIFF**

**v.**

**CASE NO. 4:14-cv-4099**

**LT. HEATH ROSS**

**DEFENDANT**

**ORDER**

Plaintiff submitted this *pro se* action for filing on June 11, 2014. ECF No. 1. The parties consented to the jurisdiction of the undersigned for final disposition of this case. ECF No. 11.

On February 4, 2016, the Court set this matter for a Motion for Summary Judgment hearing for Thursday, April 21, 2016 - 1:00 p.m. in Fort Smith, Arkansas. ECF No. 19. On February 25, 2016, the Court issued an Order advising the Plaintiff that he would be responsible for his own transportation to the hearing on April 21, 2016. ECF No. 20. The Court also directed the Plaintiff to inform the Court no later than March 10, 2016 of his intent to appear at the hearing on April 21, 2016. *Id.* On March 9, 2016, the Plaintiff filed his Response to the Court's Order informing the Court that he had transportation to appear at the April 21, 2016 hearing. ECF No. 21.

On April 21, 2016, the Defendant's counsel appeared via video conferencing for the Motion for Summary Judgment hearing. The Plaintiff did not appear at 1:00 p.m. as ordered. The court left the proceedings open until 1:30 PM and the Plaintiff still did not appear. Plaintiff did not communicate with the Court prior to the hearing since the filing of his March 9, 2016 Response to the Court's Order, nor has the Plaintiff communicated with the court since the hearing date to explain his absence.

Plaintiff's failure to respond to the Motion for Summary Judgment and, particularly, Plaintiff's failure to even attempt to controvert the facts stated in Defendants' Statement of Undisputed Material Facts and failure to appear at the Motion for Summary Judgment Hearing on April 21, 2016 require that those facts be deemed admitted pursuant to Local District Court Rule 56.1.

For the foregoing reasons and the reasons stated in open court the Defendant's Motion for Summary Judgment is **GRANTED** and Plaintiff's Complaint is **DISMISSED** without prejudice.

**IT IS SO ORDERED** this 29<sup>th</sup> day of April, 2016.

/s/ James R. Marschewski  
HON. JAMES R. MARSCHEWSKI  
U. S. MAGISTRATE JUDGE