

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

CHRIS PASCHALL

PLAINTIFF

v.

Case No. 5:13-CV-05026

CITY OF SPRINGDALE, CHIEF O'KELLY;
and RONALD RITZ

DEFENDANTS

ORDER

Currently before the Court is Defendants' motion (Doc. 20) to dismiss for failure to prosecute this action in accordance with Local Rule 5.5(c)(2), which provides that "[i]t is the duty of any party not represented by counsel to promptly notify the Clerk and the other parties to the proceedings of any change in his or her address, to monitor the progress of the case, and to prosecute or defend the action diligently." The Local Rule also mandates that "[a]ny party proceeding *pro se* shall be expected to be familiar with and follow the Federal Rules of Civil Procedure." *Id.*

Defense counsel represents, and the record reflects, that Defendants have attempted to serve various papers and filings on Plaintiff, including a motion to compel, but that those attempts failed as the mailings were returned as unclaimed. It appears that Plaintiff has either not kept his address of record updated appropriately or he is, in any event, not diligently prosecuting his action by appropriately engaging with Defendants in the necessary discovery process. Defendants appended a certificate of service to their motion to dismiss (Doc. 20, p. 2) certifying that the motion was mailed to Plaintiff at his address of record. Plaintiff has not responded to the motion, and the time period for filing a response has passed.

Because Plaintiff has failed to prosecute this action and has failed to comply with Local Rule

5.5, IT IS ORDERED that Defendants' motion (Doc. 20) to dismiss is GRANTED, and this action is DISMISSED WITH PREJUDICE pursuant to Federal Rule of Civil Procedure 41(b).

IT IS SO ORDERED this 7th day of November, 2013.

P. K. Holmes, III

P. K. HOLMES, III
CHIEF U.S. DISTRICT JUDGE