

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

DARRILL W. CHRISTY

PLAINTIFF

v.

Civil No. 15-5193

**SHERIFF KELLEY CRADDUCK,
Benton County, Arkansas; DEPUTY
HUBBARD; and DEPUTY WILKINS**

DEFENDANTS

OPINION AND ORDER

This is a civil rights case filed by the Plaintiff Darrill W. Christy under the provisions of 42 U.S.C. § 1983. Christy proceeds *pro se* and *in forma pauperis*. Although he was incarcerated in the Benton County Detention Center in Bentonville, Arkansas, when he filed this action, Christy is no longer incarcerated and lives in Marysville, California.

Defendants filed a summary judgment motion (Doc. 30) on February 21, 2017. By order (Doc. 35) entered on April 11, 2017, Christy was directed to file a summary judgment response by May 9, 2017. He was sent a questionnaire to assist him in responding to the motion.

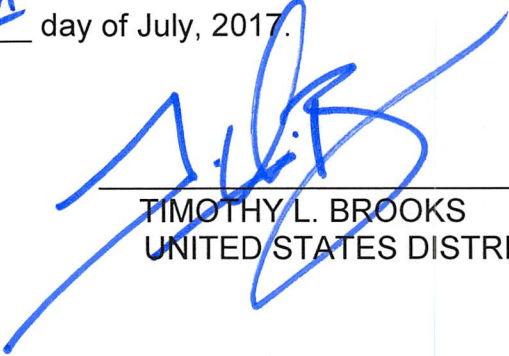
Christy did not file a response. On May 15, 2017, a show cause order (Doc. 36) was entered giving Christy until May 30, 2017, to show cause why this action should not be dismissed based on his failure to obey the order of the Court and his failure to prosecute this action. He was advised that failure to respond to the show cause order would result in the dismissal of this case. On May 25, 2017, Christy filed a motion for an extension of time (Doc. 37). He indicated he had not received the "last motion." That same day, Defendants filed a motion to dismiss (Doc. 38) based on Plaintiff's failure to comply with the Court's orders.

Despite the fact that no mail had been returned as undeliverable, on May 26, 2017, an order (Doc. 40) was entered giving Christy until June 16, 2017, to file his response to the summary judgment motion. The Clerk was directed to mail the Plaintiff another copy of the questionnaire (Doc. 35). The motion to dismiss (Doc. 38) was denied as moot in view of the extension of time being granted Christy. Christy was advised that failure to file a timely response would result in the dismissal of the case.

To date, Christy has not filed a response. No request for an extension of time has been filed. No mail has been returned as undeliverable. Christy has not communicated with the Court in any way. Defendants have filed a second motion to dismiss (Doc. 41) based on Plaintiff's failure to obey the orders of the Court.

IT IS THEREFORE ORDERED that the motion to dismiss (Doc. 41) is **GRANTED** and the Complaint is **DISMISSED WITH PREJUDICE** based on Christy's failure to comply with the orders of this Court and his failure to prosecute this action. Fed. R. Civ. P. 41(b).

IT IS SO ORDERED on this 6th day of July, 2017.



TIMOTHY L. BROOKS
UNITED STATES DISTRICT JUDGE