

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

**SANTIAGO GUTIERREZ**

**PLAINTIFF**

**V.**

**Civil No. 16-CV-5184**

**SHERIFF HELDER; MAJOR  
DENZER; SERGEANT MORSE; SERGEANT  
FULLER; ARAMARK FOOD  
SERVICE/COMMISSARY SUPPLY;  
OFFICER MOTSINGER,  
Springdale Police Department; CHIEF  
OF POLICE, MIKE PETERS, Springdale,  
Arkansas**

**DEFENDANTS**

**OPINION AND ORDER**

This is a civil rights case filed by the Plaintiff under the provisions of 42 U.S.C. §1983. Plaintiff proceeds *in forma pauperis* and *pro se*. At the times at issue in this case, Plaintiff was incarcerated in the Washington County Detention Center. Plaintiff is no longer incarcerated.

On February 16, 2017, an order (Doc. 46) was entered granting the motion to compel filed by the City of Springdale Defendants. Plaintiff was given until March 6, 2017, to provide the City of Springdale Defendants with his discovery responses.

On March 15, 2017, an order (Doc. 49) was entered granting the motion to compel filed by the Washington County Defendants. Plaintiff was given until March 31, 2017, to provide the Washington County Defendants with their discovery responses.

On March 15, 2017, the City of Springdale Defendants filed a motion to dismiss (Doc. 50). They stated that Plaintiff failed to provide them with discovery responses as ordered by the Court (Doc. 46).

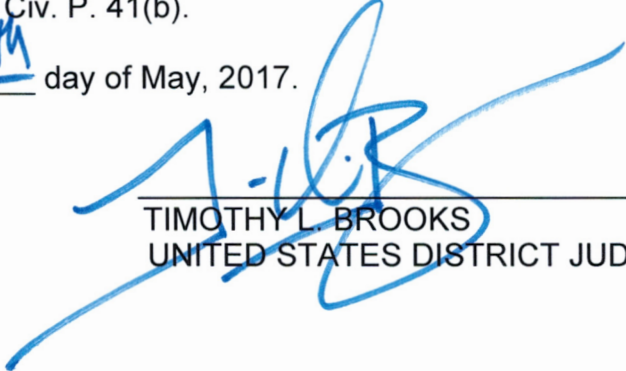
A show cause order (Doc. 52) was entered on March 15, 2017. Plaintiff was given until March 31, 2017, to show cause why this action should not be dismissed based on his

failure to comply with the order of this Court. Plaintiff was advised that failure to respond to the show cause order would subject this case to summary dismissal. Plaintiff did not respond to the show cause order. He did not file an extension of time to do so. No mail has been returned to the Court as undeliverable.

On April 5, 2017, the Washington County Defendants filed a motion to dismiss (Doc. 56). They stated that Plaintiff failed to provide them with discovery responses as ordered by the Court (Doc. 49). Plaintiff has not responded to the motion to dismiss. He did not file an extension of time to do so. No mail has been returned to the Court as undeliverable.

For these reasons, **the Motions to Dismiss (Docs. 50 & 56) are GRANTED and the case is DISMISSED WITH PREJUDICE** for failure to prosecute this action and failure to obey the orders of the Court. Fed. R. Civ. P. 41(b).

IT IS SO ORDERED on this 8<sup>th</sup> day of May, 2017.



TIMOTHY L. BROOKS  
UNITED STATES DISTRICT JUDGE