

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

JUSTIN TYLER BROWN

PLAINTIFF

v.

Civil No. 5:17-cv-05076

SHERIFF TIM HELDER; SERGEANT  
SETH PARTAIN; CORPORAL GARY  
LUNSFORD; DEPUTY REGGIE WASHINGTON;  
and OFFICER JUSTIN EDENS

DEFENDANTS

**OPINION AND ORDER**

Plaintiff filed this civil rights action pursuant to 42 U.S.C. §1983. He proceeds *pro se* and *in forma pauperis*.

On January 18, 2018, Defendants filed a Motion for Summary Judgment (ECF No. 23). On February 27, 2018, an Order (ECF No. 28) was entered directing the Plaintiff to file a response to the Summary Judgment Motion by March 20, 2018. Plaintiff was advised that failure to file the response would subject the case to summary dismissal. To date, Plaintiff has not filed a response. The Order (ECF No. 28) has not been returned as undeliverable.

On March 26, 2018, the Defendants filed a Motion to Dismiss (ECF No. 29). Defendants ask that the case be dismissed based on the Plaintiff's failure to file his summary judgment response by the deadline established by the Court.

Plaintiff has not sought an extension of time to file his summary judgment response. Plaintiff has not otherwise communicated with the Court.

Therefore, this case is **DISMISSED WITHOUT PREJUDICE** based on the Plaintiff's failure to obey an Order of the Court and his failure prosecute this case. Fed. R. Civ. P. 41(b).

IT IS SO ORDERED on this 28th day of March 2018.

*P. K. Holmes, III*

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