

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

LARRY D. HAMPTON

PLAINTIFF

v.

Civil No. 5:19-cv-05012

OFFICER STINE, Farmington Police  
Department (FPD); CHIEF HUBBARD, Chief  
of Police, FPD; and MAYOR PENN, City Mayor,  
Farmington, Arkansas

DEFENDANTS

**OPINION AND ORDER**

This is a civil rights action filed by the Plaintiff pursuant to 42 U.S.C. § 1983. Plaintiff proceeds *pro se*. Plaintiff is incarcerated in the Washington County Detention Center.

By Order (ECF No. 3) entered on January 16, 2019, Plaintiff was directed to submit a completed certificate of account portion of the *in forma pauperis* (IFP) application. The certificate of account was to be filed by February 1, 2019. Plaintiff was advised that failure to comply with the Order “shall result” in the dismissal of the case.

To date, Plaintiff has not filed a completed IFP application. Plaintiff has not sought an extension of time to comply with the Order. No mail has been returned as undeliverable.

The Federal Rules of Civil Procedure specifically contemplate dismissal of a case on the ground that the plaintiff failed to prosecute or failed to comply with order of the court. Fed. R. Civ. P. 41(b); *Line v. Wabash R.R. Co.*, 370 U.S. 626, 630-31 (1962)(stating that the district court possesses the power to dismiss *sua sponte* under Rule 41(b)). Pursuant to Rule 41(b), a district court has the power to dismiss an action based on “the plaintiff’s failure to comply with *any* court order.” *Brown v. Frey*, 806 F.2d 801, 803-04 (8th Cir. 1986)(emphasis added). Additionally, Rule

5.5(c)(2) of the Local Rules for the Eastern and Western Districts of Arkansas requires parties appearing *pro se* to monitor the case, and to prosecute or defend the action diligently.

Therefore, pursuant to Rule 41(b), this Complaint should be and hereby is **DISMISSED WITHOUT PREJUDICE** based on Plaintiff's failure to prosecute this case, his failure to obey the order of the Court, and his failure to comply with Local Rule 5.5(c)(2). Fed. R. Civ. P. 41(b).

**IT IS SO ORDERED** this 7th day of February 2019.

Handwritten signature of P. K. Holmes, III in cursive script.

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