

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

LARRY D. HAMPTON

PLAINTIFF

v.

Civil No. 5:19-05036

OFFICER STINE, Patrol Officer,  
Farmington Police Department;  
CHIEF HUBBARD, Farmington  
Police Department; and  
CITY OF FARMINGTON

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 July 22, 2019, Defendants filed a notice of returned mail. (ECF No. 15). Defendants indicated that their initial disclosures were sent to the Plaintiff at the address listed on the docket sheet and were returned with a notation: “Return to Sender—Refused—Unable to Forward—Return to Sender.”

In view of the fact that the mail had been refused, an Order (ECF No. 16) was entered giving Plaintiff until September 30, 2019, to advise the Court if he intended to pursue the case. Plaintiff was informed that failure to respond to the Order “shall result in the dismissal of this case.” Plaintiff did not respond to this Order.

On October 1, 2019, Defendants filed a Motion to Dismiss (ECF No. 17) notifying the Court the Plaintiff failed to appear at his deposition on September 10, 2019. The notice of deposition was dated August 14, 2019. Defense counsel made a record of Plaintiff’s non-appearance and the deposition was concluded. Defendants also advised the Court that all efforts to contact the Plaintiff had failed.

In an abundance of caution, the Court entered an Order (ECF No. 19) directing Plaintiff to respond to the motion to dismiss by October 24, 2019. To date, Plaintiff has not filed a response to either of the Court's Orders. The Orders (ECF No. 16 & 19) have not been returned as undeliverable. Plaintiff has not sought an extension of time to file his responses.

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

IT IS SO ORDERED on this 29th day of October 2019.

41(b).



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