

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

JUSTIN PAUL

PLAINTIFF

v.

Civil No. 5:19-cv-05183

SHERIFF SHAWN HOLLOWAY,  
Benton County, Arkansas; and  
TRINITY FOOD SERVICES

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* and *in forma pauperis*.

By Order (ECF No. 6) entered on October 29, 2019, Plaintiff was directed to file an amended complaint. The amended complaint was to be filed by November 19, 2019. Plaintiff was advised that failure to comply with the Order “shall result” in the dismissal of the case.

On October 30, 2019 (ECF No. 7), Plaintiff filed a notice of change of address. The same day, the Order (ECF No. 6) was resent to the new address.

To date, Plaintiff has not filed an amended complaint. 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 an 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 6th day of January 2020.

*/s/ P. K. Holmes, III*

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