

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

**AUSTIN GARRETT**

**PLAINTIFF**

**V.**

**CASE NO. 5:22-CV-5180**

**DEPUTY CARTER;  
DEPUTY PALEEN GEORGE;  
DEPUTY CRAIG; DEPUTY WILKINS;  
and JOHN OR JANE DOE MEDICAL STAFF**

**DEFENDANTS**

**ORDER**

On December 20, 2022, this Court entered an order (Doc. 10) adopting the Report and Recommendation (Doc. 9) filed in this case on November 30, 2022, by the Honorable Mark E. Ford, United States Magistrate Judge for the Western District of Arkansas. The Report and Recommendation advised the Court to dismiss the case without prejudice for failure to prosecute or comply with an order of the Court. Plaintiff Austin Garrett had been ordered multiple times—as early as October 2022—to submit an application to proceed *in forma pauperis* (“IFP”) or pay the \$402 filing fee to proceed with his case. As of December 20, he still had not complied, and the Court adopted the Report and Recommendation and dismissed the case. On December 27, Mr. Garrett filed an IFP application (Doc. 11) but failed to attach any explanation for the lateness of the filing. The Court issued a text-only order (Doc. 12) on December 28, directing the Clerk of Court to strike the late IFP application since the case was closed.

A week later, on January 4, 2023, Mr. Garrett filed a motion for reconsideration (Doc. 13) of the Court’s order of dismissal. In the motion, Mr. Garrett offered a reason why he had failed to submit his IFP application on time. Giving Mr. Garrett the benefit of the doubt, the Court granted his motion for reconsideration, reinstated the Report and

Recommendation, reopened the case, and informed Mr. Garrett that he would have an additional fourteen days to either file an IFP application or pay the filing fee. He was warned: “The deadline is January 18, 2023. If no IFP application or filing fee is received by that deadline, the Court will once again dismiss the case without prejudice for failure to obey a court order and prosecute the case.” (Doc. 14). Mr. Garrett failed to file by the deadline and did not seek additional time to file.

**IT IS THEREFORE ORDERED** that the Report and Recommendation (Doc. 9) is **ADOPTED IN ITS ENTIRETY**, and the case is **DISMISSED WITHOUT PREJUDICE** for failure to obey the Court’s orders, comply with local rules, and prosecute this case.

**IT IS SO ORDERED** on this 19th day of January, 2023.

*/s/ Timothy L. Brooks* \_\_\_\_\_  
TIMOTHY L. BROOKS  
UNITED STATES DISTRICT JUDGE