

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
HOT SPRINGS DIVISION

MICHAEL L. WILEY

PLAINTIFF

v.

CASE NO. 6:08-cv-06018

SGT. MICHAU;
LEANN CLEM;
CHIEF BOBBY SOUTHARD

DEFENDANTS

MEMORANDUM OPINION

Michael Wiley (Plaintiff) filed this *pro se* civil rights action under 42 U.S.C. § 1983 on February 26, 2008. (Doc. 1). Plaintiff's Complaint was filed *in forma pauperis* (IFP) and certified to proceed on February 28, 2008. (Doc. 4). The parties have consented to the jurisdiction of a magistrate judge to conduct any and all proceedings in this case, including conducting the trial, ordering the entry of a final judgment, and conducting all post-judgment proceedings. (Doc. 8). Pursuant to this authority, the Court issues this Opinion.

On November 20, 2008, the Court issued a questionnaire to the Plaintiff to serve as his response to the Defendants' Motion for Summary Judgment. (Doc. 25). This response was returnable on or before December 19, 2008. The response was not timely returned and on January 6, 2009, the Court issued an Order to Show Cause, directing Plaintiff to show Cause why the case should not be dismissed for a failure to prosecute or follow an order of the Court. (Doc. 32). Plaintiff's response to the Order to show cause was due January 13, 2009. Moreover, Plaintiff presented a change of address to the Court and was given a copy of the Order to Show Cause on January 8, 2009 by the Clerk of Court. Plaintiff has still failed to answer the Order to Show Cause, and the time for a response has expired.

Accordingly, the above-styled case is hereby DISMISSED without prejudice for failure to follow an Order of the Court.

IT IS SO ORDERED this 6th day of February 2009.

/s/ Barry A. Bryant
HON. BARRY A. BRYANT
UNITED STATES MAGISTRATE JUDGE