

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
CENTRAL DIVISION**

DAMETRIC WILLAIMS

PLAINTIFF

v.

4:21-cv-00952-JM-JJV

TISH JHONSON, Administrator,
Dallas County Jail, *et al.*

DEFENDANTS

PROPOSED FINDINGS AND RECOMMENDATIONS

INSTRUCTIONS

The following recommended disposition has been sent to United States District Judge James M. Moody Jr. Any party may serve and file written objections to this recommendation. Objections should be specific and include the factual or legal basis for the objection. If the objection is to a factual finding, specifically identify that finding and the evidence that supports your objection. Your objections must be received in the office of the United States District Court Clerk no later than fourteen (14) days from the date of this recommendation. Failure to file timely objections may result in a waiver of the right to appeal questions of fact.

DISPOSITION

Dametric Williams ("Plaintiff") was a pretrial detainee at the Dallas County Detention Center ("Detention Center") when he commenced this *pro se* lawsuit pursuant to 42 U.S.C. § 1983. (Doc. No. 2.) Soon thereafter, I entered an Order explaining Plaintiff's obligation under Local Rule 5.5(c)(2) to maintain a valid mailing address with the Clerk of Court and advised him the case could be dismissed if he failed to do so.¹ (Doc. No. 3.)

¹ Local Rule 5.5(c)(2) provides: "It is the duty of any party not represented by counsel to promptly notify the Clerk and the other parties to the proceedings of any change in his or her address, to monitor the progress of the case, and to prosecute or defend the action diligently. A party appearing for himself/herself shall sign his/her pleadings and state his/her address, zip code, and telephone number. If any communication from the Court to a *pro se* plaintiff is not responded to

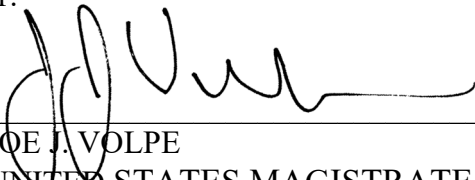
On November 17, 2021, the Order sent to Plaintiff at the Detention Center was returned as “not deliverable.” (Doc. No. 4.) On November 18, 2021, I ordered Plaintiff to comply with Local Rule 5.5 and provided Plaintiff 30 days to file an updated address. (Doc. No. 5.) And I reminded him this case would be dismissed if he failed to comply with my instructions.

Plaintiff has not responded to my Order, and the time to do so has expired. Because the Clerk does not have a valid address for Plaintiff, it would be futile to grant him an extension of time to comply with my instructions. Accordingly, I recommend this case be dismissed without prejudice due to a lack of prosecution. *See* Fed. R. Civ. P. 41(b); Local Rule 5.5(c)(2).

IT IS, THEREFORE, RECOMMENDED THAT:

1. The Complaint (Doc. No. 2) be DISMISSED without prejudice due to a lack of prosecution.
2. The Court certify, pursuant to 28 U.S.C. § 1915(a)(3), that an *in forma pauperis* appeal from an Order adopting this recommendation and the accompanying Judgment would not be taken in good faith.

DATED this 28th day of December 2021.



JOE J. VOLPE
UNITED STATES MAGISTRATE JUDGE

within thirty (30) days, the case may be dismissed without prejudice. Any party proceeding *pro se* shall be expected to be familiar with and follow the Federal Rules of Civil Procedure.”