

UNITED STATES DISTRICT COURT  
DISTRICT OF MAINE

RICHARD A. LARSEN, III,	)	
	)	
Plaintiff,	)	
	)	
v.	)	1:21-cv-00096-JDL
	)	
JUDGE NELSON, et al.,	)	
	)	
Defendants	)	

**RECOMMENDED DECISION ON SHOW CAUSE ORDER**

On April 5, 2021, Plaintiff filed a complaint (ECF No. 1), but did not pay the filing fee or file a motion to proceed in forma pauperis. On April 7, 2021, the Court ordered Plaintiff to pay the \$402 filing fee or file a completed in forma pauperis application. (Order, ECF No. 3.)

Plaintiff subsequently filed two separate requests to proceed in forma pauperis (ECF Nos. 5, 7), both of which the Court dismissed without prejudice as the requests did not include a completed application to proceed in forma pauperis. (Orders, ECF No. 6, 8.)

Because Plaintiff failed to comply with the orders, on May 4, 2021, the Court ordered Plaintiff to show cause as to why he had not complied with the Court's orders. (Order, ECF No. 9.) In the order, the Court established May 18, 2021, as the date by which Plaintiff must show cause. (*Id.*) On May 14, 2021, the Plaintiff filed a motion to extend the time to respond to the Order to Show Cause (ECF No. 10), which motion the Court granted extending the time to respond to June 4, 2021. (Order, ECF No. 12.)

Because Plaintiff has not filed a response to the Order to Show Cause, has not filed a completed application to proceed in forma pauperis, and has not paid the filing fee, I

recommend the Court dismiss the matter.

### **DISCUSSION**

“A district court, as part of its inherent power to manage its own docket, may dismiss a case sua sponte for any of the reasons prescribed in Fed. R. Civ. P. 41(b).” *Cintron-Lorenzo v. Dep’t de Asumtos del Consumidor*, 312 F.3d 522, 526 (1st Cir. 2002) (citing *Link v. Wabash R.R. Co.*, 370 U.S. 626, 629 – 31 (1962)). Federal Rule of Civil Procedure 41(b) authorizes the Court to dismiss an action for a party’s failure to prosecute and failure to comply with the Court’s orders. Here, Plaintiff has (a) failed to comply with the Court’s orders directing him to file a completed application to proceed in forma pauperis, (b) failed to show cause in accordance with the Court’s Order to Show Cause, and (c) failed to pay the filing fee. Plaintiff thus has failed to comply the Court’s orders and has otherwise failed to prosecute his claim. Dismissal, therefore, is warranted.

### **CONCLUSION**

Based on the foregoing analysis, I recommend the Court dismiss Plaintiff’s complaint.

### **NOTICE**

A party may file objections to those specified portions of a magistrate judge’s report or proposed findings or recommended decisions entered pursuant to 28 U.S.C. § 636(b)(1)(B) for which de novo review by the district court is sought, together with a supporting memorandum, within fourteen (14) days of being served with a copy thereof.

Failure to file a timely objection shall constitute a waiver of the right to de novo review by the district court and to appeal the district court’s order.

/s/ John C. Nivison  
U.S. Magistrate Judge

Dated this 14th day of June, 2021.