

UNITED STATES DISTRICT COURT
DISTRICT OF MAINE

LESLIE COLLAGAN,)	
)	
Plaintiff,)	
)	
v.)	2:22-cv-00328-JAW
)	
CUMBERLAND COUNTY JAIL,)	
et al.,)	
)	
Defendants)	

RECOMMENDED DECISION

On October 25, 2022, Plaintiff filed a complaint (ECF No. 1), but did not pay the filing fee or file an application to proceed without prepayment of fees and costs. On October 27, 2022, the Court ordered Plaintiff to pay the \$350 filing fee or file a completed application to proceed without prepayment of fees and costs. (Order, ECF No. 3.)

Because Plaintiff failed to comply with the order, on December 22, 2022, the Court ordered Plaintiff to show cause as to why she had not complied with the Court’s order. (Order, ECF No. 8.) In the order, the Court established January 12, 2023, as the date by which Plaintiff must show cause. (*Id.*) The Court advised Plaintiff that if she failed to show cause, the Court could dismiss the complaint. (*Id.*)

Because Plaintiff has not responded to the Order to Show Cause, 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 order directing her to pay the filing fee or file a completed application to proceed without prepayment of fees and costs, and (b) failed to show cause in accordance with the Court’s Order to Show Cause. Plaintiff thus has failed to comply with the Court’s orders and has otherwise failed to prosecute her claim. Given Plaintiff’s failure to comply with the Court’s orders and her failure otherwise to prosecute the matter, dismissal 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 24th day of January, 2023.