

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION

STEVEN HUFF §
VS. § CIVIL ACTION NO. 1:09cv409
BRAD LIVINGSTON §

MEMORANDUM OPINION

Plaintiff Steven Huff, proceeding *pro se*, filed this civil rights lawsuit pursuant to 42 U.S.C. § 1983.

Procedural Background

On October 26, 2009, the court entered an order directing plaintiff to resubmit his claim using a court-approved form. Plaintiff was given 30 days to comply with the court's order. Plaintiff acknowledged receipt of the court's order on November 2, 2009. However, plaintiff has not complied with the court's order or otherwise contacted the court.

Discussion

Federal Rule of Civil Procedure 41(b) authorizes a district court to dismiss an action for failure to prosecute or for failure to comply with any court order. *Larson v. Scott*, 157 F.3d 1030, 1031 (5th Cir. 1998). "This authority [under Rule 41(b)] flows from the court's inherent power to control its docket and prevent undue delays in the disposition of pending


cases." *Boudwin v. Graystone Insurance Co., Ltd.*, 756 F.2d 399, 401 (5th Cir. 1985) (citing *Link v. Wabash, R.R. Co.*, 370 U.S. 626, 629 (1962)).

By failing to comply with the order described above, plaintiff has failed to diligently prosecute this case. As a result, this case will be dismissed for want of prosecution.

Conclusion

For the reasons set forth above, this case will be dismissed for want of prosecution. If plaintiff wishes to have this case reinstated on the court's docket, he may do so by complying with the court's order within 30 days of the date set forth below.

SIGNED this the **23** day of **December, 2009**.



Thad Heartfield
United States District Judge