

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

AARON DOWDEN §  
VS. § CIVIL ACTION NO. 1:14cv469  
LIEUTENANT KELLY §

MEMORANDUM OPINION

Aaron Dowden, proceeding *pro se*, filed the above-styled civil rights lawsuit.<sup>1</sup>

Discussion

The court previously entered an order directing plaintiff to submit an application to proceed *in forma pauperis*. Plaintiff was given 20 days to comply with the order. Plaintiff acknowledged receipt of the order on July 28, 2016. However, plaintiff has not submitted an application to proceed *in forma pauperis* or otherwise contacted the court.

Federal Rule of Civil Procedure 41(b) authorizes the district court to dismiss an action for want of prosecution *sua sponte* whenever necessary to achieve the orderly and expeditious disposition of cases. *Anthony v. Marion County General Hospital*,

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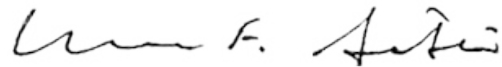
<sup>1</sup> This case was directly assigned to the undersigned magistrate judge pursuant to this district's General Order 14-10. Plaintiff has provided voluntary written consent to have the assigned magistrate judge conduct all further proceedings in this case, including entry of final judgment, in accordance with 28 U.S.C. § 636. The defendants in this action have not been served with process and, as a result, have not appeared. As a result, the defendants' consent is not needed for the undersigned to make a final determination in this matter. See *Neals v. Norwood*, 59 F.3d 530, 532 (5th Cir. 1995).

617 F.2d 1164, 1167 (5th Cir. 1980). By failing to comply with the order reference above, plaintiff has failed to diligently prosecute this case. This matter will therefore be dismissed.

Conclusion

For the reasons set forth above, this matter will be dismissed without prejudice for want of prosecution. A final judgment shall be entered in accordance with this memorandum opinion. If plaintiff wishes to have this case reinstated on the court's active docket, he may do so by filing an application to proceed *in forma pauperis* within 120 days of the date set forth below.

**SIGNED** this 23rd day of August, 2016.



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KEITH F. GIBLIN  
UNITED STATES MAGISTRATE JUDGE