Uballe v. Andreu Doc. 82

IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF TEXAS

BEAUMONT DIVISION

ROBERT DAVID UBALLE	§	
VS.	§	CIVIL ACTION NO. 1:18cv460
CHERYL ANDREU	§	

MEMORANDUM OPINION

Plaintiff Robert David Uballe, proceeding *pro se*, filed this civil rights lawsuit.

Procedural Background

The court previously entered an order directing plaintiff to file an amended complaint. Plaintiff was given 30 days to comply. The time for complying with the order has expired. 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 dismissed for want of prosecution. An appropriate final judgment shall be entered. If plaintiff wishes to have this case reinstated on the court's docket, he may do so by filing an amended complaint within 30 days of the date set forth below.

SIGNED this the **22** day of **February, 2021.**

Thad Heartfield
United States District Judge

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