Williams v. Fiorillo et al Doc. 11

IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF TEXAS

BEAUMONT DIVISION

ANTHONY D. WILLIAMS	§	
VS.	§	CIVIL ACTION NO. 1:19cv136
J. FIORILLO	§	

MEMORANDUM OPINION

Plaintiff Anthony D. Williams, proceeding *pro se*, filed this civil rights lawsuit.

Procedural Background

The court previously entered an order granting plaintiff an extension of time to pay an initial partial filing fee. The extension of time has expired. However, plaintiff has not paid the initial partial filing fee 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 court's order, plaintiff has failed to diligently prosecute this case. As a result, this case will dismissed for want of prosecution. A final judgment shall be entered. If plaintiff wishes to have this case reopened, he may do so by paying the initial partial filing fee or showing he is unable to do so within 30 days of the date set forth below.

SIGNED this the **24** day of **February, 2021.**

Thad Heartfield
United States District Judge

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