

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
DELTA DIVISION**

JERMAINE DUANE IRVIN-BEY
Reg. #45966-177

PLAINTIFF

v.

No: 2:23-cv-00245-JM-PSH

G. SMITH, et al.

DEFENDANTS

ORDER

Plaintiff Jermaine Duane Irvin-Bey filed a *pro se* complaint, pursuant to 42 U.S.C. § 1983, on December 22, 2023 (Doc. No. 1). On December 28, 2023, the Court entered an order directing Irvin-Bey to submit the full \$405.00 filing and administrative fees or file a fully completed *in forma pauperis* application within 30 days. See Doc. No. 2. Irvin-Bey was cautioned that failure to comply with the Court's order within that time would result in the dismissal of his case.

More than 30 days have passed, and Irvin-Bey has not complied or otherwise responded to the December 28 order. Accordingly, the Court finds that this action should be dismissed without prejudice for failure to comply with Local Rule 5.5(c)(2) and failure to respond to the Court's orders. See *Miller v. Benson*, 51 F.3d 166, 168 (8th Cir. 1995) (District courts have inherent power to dismiss *sua sponte* a case for failure to prosecute, and exercise of that power is reviewed for abuse of discretion).

IT IS THEREFORE ORDERED THAT Irvin-Bey's complaint (Doc. No. 1) is DISMISSED WITHOUT PREJUDICE.

DATED this 5th day of February, 2024.


UNITED STATES DISTRICT JUDGE