

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

**JASON ALLEN WHELCHEL  
#265137**

**PLAINTIFF**

**v.**

**No: 3:20-cv-00277 KGB-PSH**

**KEITH BOWERS**

**DEFENDANT**

**PROPOSED FINDINGS AND RECOMMENDATION**

**INSTRUCTIONS**

The following Recommendation has been sent to United States District Judge Kristine G. Baker. You may file written objections to all or part of this Recommendation. If you do so, those objections must: (1) specifically explain the factual and/or legal basis for your objection; and (2) be received by the Clerk of this Court within fourteen (14) days of this Recommendation. By not objecting, you may waive the right to appeal questions of fact.

**DISPOSITION**

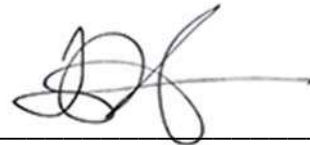
Plaintiff Jason Allen Whelchel filed a *pro se* complaint on September 11, 2020 (Doc. No. 2). On September 25, 2020, the Court entered an order directing Whelchel to submit the full \$400.00 filing and administrative fees or file a fully completed IFP application within 30 days. *See* Doc. No. 5. Whelchel was cautioned that failure to

comply with the Court's order within that time would result in the recommended dismissal of his case.

More than 30 days have passed, and Welchel has not complied or otherwise responded to the September 25 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 recommended that Welchel's complaint (Doc. No. 2) be dismissed without prejudice.

DATED this 16th day of November, 2020.



---

UNITED STATES MAGISTRATE JUDGE