

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
FORT SMITH DIVISION

ERNEST LYNN ROBERTS

PLAINTIFF

v.

Civil No. 2:16-CV-02017

SUPERVISOR CINDY MOORE,
CAPTAIN MILLER, and
NURSE ANNA, LNU

DEFENDANTS

ORDER

Plaintiff proceeds in this matter *pro se* and *in forma pauperis* pursuant to 42 U.S.C. § 1983. Currently before the Court is Plaintiff's failure to obey a Court Order and to prosecute this case.

I. BACKGROUND

On March 2, 2018, the Court entered an Order directing Plaintiff to file a Response to Defendants' Summary Judgment Motion (ECF No. 46) by March 23, 2018. (ECF No. 51). This Order advised Plaintiff that failure to timely and properly comply with the Order would result in Defendants' facts being deemed admitted or in the dismissal of his case. (ECF No. 51). The Order was not returned as undeliverable. Plaintiff did not respond.

Plaintiff has not communicated with the Court since May 17, 2017. (ECF No. 42).

II. LEGAL STANDARD

The Federal Rules of Civil Procedure specifically contemplate dismissal of a case on the grounds that the plaintiff failed to prosecute or failed to comply with orders of the court. Fed. R. Civ. P. 41(b); *Link v. Wabash R.R. Co.*, 370 U.S. 626, 630-31 (1962) (stating that the district court possesses the power to dismiss *sua sponte* under Rule 41(b)). Pursuant to Rule 41(b), a district court has the power to dismiss an action based on "the plaintiff's failure to comply with *any* court order." *Brown v. Frey*, 806 F.2d 801, 803-04 (8th Cir. 1986) (emphasis added).

III. ANALYSIS

Plaintiff has failed to comply with a Court Order. Plaintiff has failed to prosecute this matter. Accordingly, pursuant to Federal Rule of Civil Procedure 41(b) and Local Rule 5.5(c)(2), Plaintiff's Complaint should be dismissed without prejudice for failure to comply with the Court's Local Rules and Orders and failure to prosecute this case.

For these reasons, IT IS ORDERED that Plaintiff's claims are DISMISSED WITHOUT PREJUDICE.

IT IS SO ORDERED this 9th day of April 2018.

P. K. Holmes, III

P. K. HOLMES, III
CHIEF U.S. DISTRICT JUDGE