

IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF ARKANSAS  
FAYETTEVILLE DIVISION

WILLIAM HANSEN

PLAINTIFF

V.

CASE NO. 5:14-CV-05280

NURSE DARLA WATSON;  
DR. WARREN LAFFERTY;  
SHERIFF KELLY CRADDUCK; and  
JOHN OR JANE DOE NURSING  
STAFF

DEFENDANTS

ORDER

Comes on for consideration the Report and Recommendation (“R & R”) (Doc. 22) filed in this case on June 15, 2015, by the Honorable Mark E. Ford, United States Magistrate Judge for the Western District of Arkansas, regarding Plaintiff William Hansen’s failure to respond to the Magistrate Judge’s Show Cause Order (Doc. 21). Also before the Court is Hansen’s Objection to the R & R (Doc. 23).<sup>1</sup> The Court has conducted a *de novo* review as to all specific proposed findings and recommendations to which Hansen has raised objections. 28 U.S.C. § 636(b)(1). Accordingly, the Court finds that the R & R should be, and hereby is, **ADOPTED**.

On March 25, 2015, Hansen filed a Motion of Extension of Time (Doc. 19) to “adequately investigate this present case.” The Magistrate Judge construed this as a motion to file an amended complaint, and on April 16, 2015, the Magistrate Judge entered an Order (Doc. 20) granting Hansen until May 8, 2014 to file an amended complaint. The

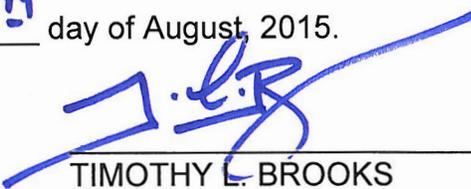
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<sup>1</sup>The Court interprets Hansen’s “Petition to Show Just Cause” (Doc. 23) as an Objection to the R & R.

Order notes that no further extensions will be granted without good cause shown as the case has been pending since September 8, 2014. On May 15, 2015, the Magistrate Judge entered an Order to Show Cause (Doc. 21) requiring Hansen to demonstrate to the Court by May 29, 2015, why his case should not be dismissed. Hansen failed to respond.

The Magistrate Judge now recommends dismissal of Hansen's Complaint with prejudice for failure to comply with an order of the Court and failure to prosecute pursuant to Fed. R. Civ. P. 41(b). Hansen filed his Objection to the R & R, which he titled "Petition to Show Just Cause," on July 1, 2015, more than 30 days after the Magistrate Judge's Show Cause Order. Hansen explains that he has difficulty writing due to the progression of his rheumatoid arthritis. Although Hansen was able to file objections (Doc. 23), he has still not filed an amended complaint. Hansen's case should be dismissed pursuant to Fed. R. Civ. P. 41(b) because he has failed to prosecute his case and in so doing has failed to comply with this Court's Orders. Although such matters may ordinarily be dismissed with prejudice<sup>2</sup>, the Court will accept Hansen's medical impairment explanation at face value. This case is therefore **DISMISSED WITHOUT PREJUDICE**. The Court, being well and sufficiently advised, finds that the R & R (Doc. 22) should be and hereby is **ADOPTED**. Plaintiff William Hansen's Complaint is **DISMISSED WITHOUT PREJUDICE**.

IT IS SO ORDERED this 17<sup>th</sup> day of August, 2015.



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TIMOTHY L. BROOKS  
UNITED STATES DISTRICT JUDGE

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<sup>2</sup>See *Holly v. Anderson*, 467 F.3d 1120, 1120 (8th Cir. 2006) ("A district court may sua sponte dismiss an action under Rule 41(b) for the plaintiff's deliberate failure to comply with a court order.")