

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

**FRANK CARMONA RODRIGUEZ**

**PLAINTIFF**

**V.**

**CASE NO. 5:18-CV-05118**

**DEPUTY IVAN TORRES, ET AL.**

**DEFENDANTS**

**ORDER**

Plaintiff Frank Carmona Rodriguez proceeds in this matter *pro se* and *in forma pauperis* pursuant to 42 U.S.C. § 1983. (Docs. 1, 2, 4). On June 17, 2019, this Court directed Plaintiff to respond to Defendants' motions for summary judgment by July 8, 2019. (Doc. 77). Plaintiff was advised that failure to comply with the Order "shall subject this case to dismissal, without prejudice, pursuant to Local Rule 5.5(c)(2)." *Id.* A response has not been filed.

On July 10, 2019, this Court entered an Order (Doc. 80) directing Plaintiff to respond by July 24, 2019, to show cause why this action should not be dismissed based on his failure to comply with the Court Order directing him to file a summary judgment response by July 8, 2019. To date, Plaintiff has not responded to the Show Cause Order. Plaintiff has not sought an extension of time to comply with the Order.

The Federal Rules of Civil Procedure specifically contemplate dismissal of a case on the ground that the plaintiff failed to prosecute or failed to comply with an order of the court. Fed. R. Civ. P. 41(b); *Line 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). Additionally, Rule 5.5(c)(2) of the Local

Rules for the Eastern and Western Districts of Arkansas requires parties appearing *pro se* to monitor the case, and to prosecute or defend the action diligently.

Therefore, pursuant to Rule 41(b), Plaintiff's Complaint should be and hereby is **DISMISSED WITHOUT PREJUDICE** based on Plaintiff's failure to prosecute this case, his failure to obey the orders of the Court, and his failure to comply with Local Rule 5.5(c)(2).

IT IS SO ORDERED on this 13<sup>th</sup> day of August, 2019.



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TIMOTHY L. BROOKS  
UNITED STATES DISTRICT JUDGE