

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

**REV. TOM BROWN**

**PLAINTIFF**

**V.**

**CASE NO. 5:18-CV-05199**

**JAIL STAFF JOHN AND JANE DOES; and  
SHERIFF TIM HELDER, in his official capacity,  
Washington County, Arkansas**

**DEFENDANTS**

**OPINION AND ORDER**

This is a civil rights action filed by the Plaintiff pursuant to 42 U.S.C. § 1983. Plaintiff proceeds *pro se* and *in forma pauperis*.

By Opinion and Order (Doc. 17) entered on February 14, 2019, Plaintiff was given until April 15, 2019, to file an amended complaint naming the staff members he contends denied him medical care and/or subjected him to unconstitutional conditions of confinement. In the meantime, the Court added Washington County as a Defendant by serving Sheriff Helder in his official capacity.

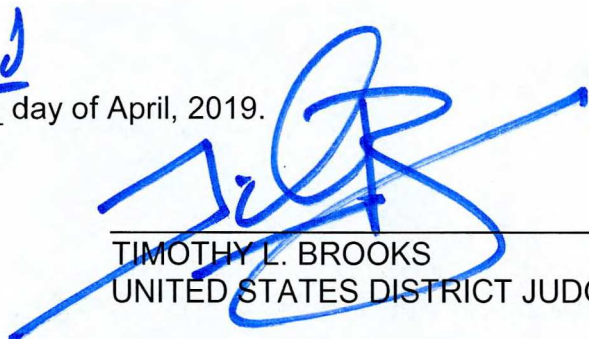
To date, Plaintiff has not filed the amended complaint. Plaintiff has not sought an extension of time to comply with the Order. No mail has been returned as undeliverable.

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

IT IS SO ORDERED on this 22<sup>nd</sup> day of April, 2019.



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TIMOTHY L. BROOKS  
UNITED STATES DISTRICT JUDGE