

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

**EULAS LINWOOD HUGHES**

**PLAINTIFF**

**V.**

**CASE NO. 5:18-cv-05223**

**FRAN INFANTE, Nurse, Turnkey  
Medical; SHAWNA STEPHENS,  
Nurse Turnkey Medical, et al.**

**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*. With his complaint, Plaintiff submitted an *in forma pauperis* (“IFP”) application. However, he failed to complete the certification regarding inmate funds held in his name. An Order (Doc. 4) was entered on November 13, 2018, giving Plaintiff until December 4, 2018, to either have the certificate portion of the IFP application completed by the appropriate detention center official and return the application to this Court for review and filing or pay the \$400 filing fee. Plaintiff was advised that if he failed to comply with the Order, the complaint would become subject to summary dismissal for failure to obey an order of the Court.

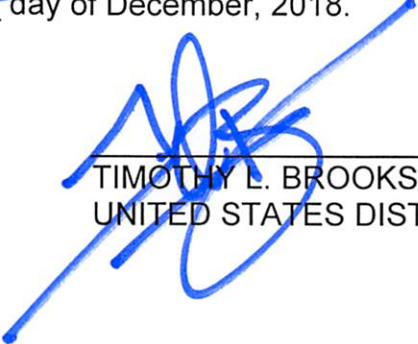
Plaintiff has not complied with the Order (Doc. 4). He has not sought an extension of time to comply. Plaintiff has not contacted the Court in any way. No mail has been returned as undeliverable.

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 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 and his failure to obey the order of the Court. Fed. R. Civ. P. 41(b).

IT IS SO ORDERED on this 17<sup>th</sup> day of December, 2018.



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TIMOTHY L. BROOKS  
UNITED STATES DISTRICT JUDGE