

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

**ZACHARY PRIESMEYER**

**PLAINTIFF**

**V.**

**CASE NO. 5:18-CV-05224**

**SHERIFF TIM HELDER, Washington County;  
and KARAS CORRECTIONAL HEALTH**

**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*. Plaintiff is incarcerated in the Benton County Detention Center.

On June 3, 2019, the Defendants filed a Motion for Summary Judgment (Doc. 15). The following day, an Order (Doc. 18) was entered directing Plaintiff to file a response to the Motion for Summary Judgment by June 25, 2019. Plaintiff was advised that failure to respond to the Order would subject the case to dismissal without prejudice.

On July 17, 2019, a Show Cause Order (Doc. 19) was entered. Plaintiff was given until August 2, 2019, to show cause why this case should not be dismissed based on his failure to obey the Order of the Court and his failure to prosecute this action.

To date, Plaintiff has not filed a response to the Motion for Summary Judgment or a response to the Show Cause Order. He has not requested an extension of time to file his response. No mail has been returned as undeliverable. Plaintiff has failed to comply with the Court's Order requiring him to file his summary judgment response by June 25, 2019, and he has failed to respond to the Show Cause 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 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).

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



---

TIMOTHY L. BROOKS  
UNITED STATES DISTRICT JUDGE