

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

JOSEPH JOHN SHIPPS

PLAINTIFF

V.

CASE NO. 5:19-CV-05097

**SHERIFF SHAWN HOLLOWAY;
JOHN AND JANE DOE ADMINISTRATIVE
EMPLOYEES; CONFIDENTIAL INFORMANT
OR INFORMANTS IN JAIL ADMINISTRATION;
and CAPTAIN J. GUYLL**

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*. Plaintiff was incarcerated in the Benton County Detention Center ("BCDC") when he filed the case.

By Order (Doc. 3) entered on May 21, 2019, Plaintiff was directed to: (1) submit a completed *in forma pauperis* ("IFP") application; and (2) file an amended complaint. The documents were to be filed by June 14, 2019. Plaintiff was advised that failure to comply with the Order "shall result" in the dismissal of the case. Finally, Plaintiff was told that he must keep the Court advised of his current address.

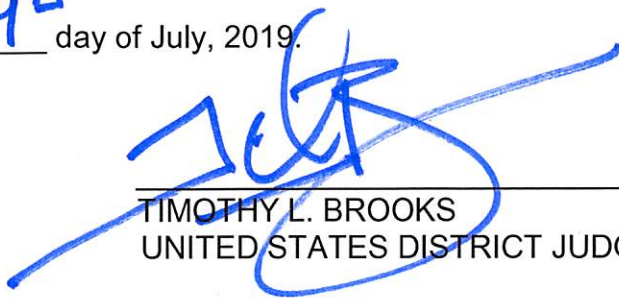
To date, Plaintiff has not filed an IFP application or an amended complaint. Plaintiff has not sought an extension of time to comply with the Order. All mail sent to the Plaintiff has been returned as undeliverable with a notation that he is no longer at the BCDC.

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 19th day of July, 2019.



TIMOTHY L. BROOKS
UNITED STATES DISTRICT JUDGE