

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

STEPHEN WESLEY PAGE

PLAINTIFF

V.

CASE NO. 5:19-CV-05155

**SHERIFF HOLLOWAY, Benton County,
Arkansas; and LIEUTENANT HOLT**

DEFENDANTS

OPINION AND ORDER

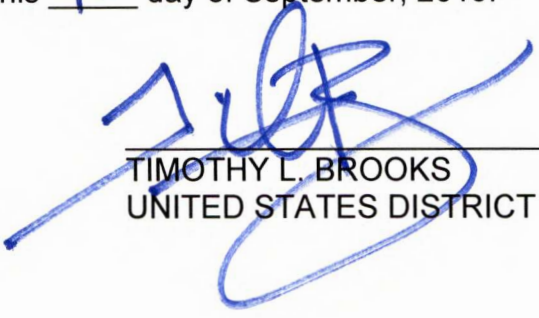
Plaintiff, Stephen W. Page ("Page"), filed this civil rights action pursuant to 42 U.S.C. § 1983. Page proceeds *pro se* and *in forma pauperis* ("IFP"). By Order (Doc. 3) entered on August 14, 2019, Page was directed to file an IFP application including a completed certificate regarding his inmate account. The completed IFP application was to be filed by August 30, 2019. Page was advised that failure to comply with the Order "shall result" in the dismissal of the case.

To date, Page has not filed the completed IFP application. Page 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 Page'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 10th day of September, 2019.



TIMOTHY L. BROOKS
UNITED STATES DISTRICT JUDGE