

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

JOSE SANDOVAL

PLAINTIFF

V.

CASE NO. 5:21-CV-05009

**CORPORAL RAINES and
NURSE VELDA**

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 seeks leave to proceed *in forma pauperis* (“IFP”) (Docs. 2 & 6). Plaintiff is incarcerated in the Washington County Detention Center.

By Order (Doc 7) entered on February 2, 2021, Plaintiff was directed to file a complete application to proceed IFP. His prior applications had not contained the certificate of account. When Plaintiff failed to file the complete IFP application, a Show Cause Order (Doc. 9) was entered. The show cause response was due by March 22, 2021.

To date, Plaintiff has not filed a complete IFP application. Plaintiff has not sought an extension of time to comply with the Order. Additionally, Plaintiff has not responded to the Show Cause Order or sought an extension of time to do so. 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 6th day of April, 2021.

/s/ Timothy L. Brooks
TIMOTHY L. BROOKS
UNITED STATES DISTRICT JUDGE