

IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF ARKANSAS  
HOT SPRINGS DIVISION

DAVID C. SNOW

PLAINTIFF

v.

Civil No. 6:16-cv-06083

CORRECT CARE SOLUTIONS, LLC, *et. al.*

DEFENDANTS

**ORDER**

Plaintiff proceeds in this matter *pro se* and *in forma pauperis* pursuant to 42 U.S.C. § 1983. Currently before the Court is Plaintiff's failure to obey Court Orders and to prosecute this case.

**I. BACKGROUND**

On February 15, 2018, the Court entered an Order (ECF No. 53) directing Plaintiff to provide a Response to the Summary Judgment Motions filed by Defendants. (ECF Nos. 47, 50). Plaintiff was ordered to provide his Response by March 2, 2018. (ECF No. 53). Plaintiff was advised that failure to timely and properly comply with the Order would result in Defendants' Statement of Facts (ECF No. 52) being deemed admitted or in the dismissal of his case. This Order was not returned as undeliverable. Plaintiff did not respond to the Motion for Summary Judgment.

On March 12, 2018, the Court entered an Order directing Plaintiff to show cause for failing to obey the Order of the Court by April 2, 2018. Plaintiff was advised that failure to respond by the deadline would result in the dismissal of his case. (ECF No. 54). This Order was not returned as undeliverable. Plaintiff again failed to respond.

Plaintiff has not communicated with the Court since October 17, 2017, when he entered into a Joint Motion for Dismissal of several Defendants. (ECF No. 42).

## II. LEGAL STANDARD

The Federal Rules of Civil Procedure specifically contemplate dismissal of a case on the grounds that the plaintiff failed to prosecute or failed to comply with orders of the court. Fed. R. Civ. P. 41(b); *Link 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).

## III. ANALYSIS

Plaintiff has failed to comply with two Court Orders. Plaintiff has failed to prosecute this matter. Accordingly, pursuant to Federal Rule of Civil Procedure 41(b) and Local Rule 5.5(c)(2) Plaintiff’s Complaint should be dismissed without prejudice for failure to comply with the Court’s Local Rules and Orders and failure to prosecute this case.

For these reasons, IT IS ORDERED that Plaintiff’s claims are DISMISSED WITHOUT PREJUDICE.

IT IS SO ORDERED this 16th day of April 2018.



P. K. HOLMES, III  
CHIEF U.S. DISTRICT JUDGE