

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Judge William J. Martínez**

Civil Action No. 14-cv-2103-WJM-NYW

DUSTIN L. BYLER,

Plaintiff,

v.

ELICIT LIFE LLC, a Colorado limited liability company, and
MICHAEL GUESS,

Defendants.

ORDER DISMISSING CASE WITHOUT PREJUDICE

By order dated April 20, 2015, the Court dismissed Plaintiff's complaint with leave to amend by May 6, 2015. (ECF No. 33.) The Court subsequently extended that deadline to May 20, 2015. (ECF No. 36.) Plaintiff has since filed nothing.

Federal Rule of Civil Procedure 41(b) states in relevant part, "If the plaintiff fails to prosecute or to comply with these rules or a court order, a defendant may move to dismiss the action or any claim against it." This Rule also "permit[s] courts to dismiss actions *sua sponte* for a plaintiff's failure to prosecute or comply with the rules of civil procedure or court's orders." *Olsen v. Mapes*, 333 F.3d 1199, 1204 n.3 (10th Cir. 2003). Failure to file an amended complaint when invited to do is grounds for *sua sponte* dismissal under Rule 41(b). See, e.g., *Butler v. City of Arvada*, 495 F. App'x 873, 875 (10th Cir. 2012).

Accordingly, the Court ORDERS as follows:

1. This action is DISMISSED WITHOUT PREJUDICE pursuant to Federal Rule of Civil Procedure 41(b) for failure to prosecute;
2. All deadlines established by the Scheduling Order (ECF No. 26) or otherwise, including the Final Pretrial Conference set for August 13, 2015, are VACATED;
3. The Clerk shall enter judgment for Defendants and terminate this action; and
4. The parties shall bear their own costs.

Dated this 11th day of August, 2015.

BY THE COURT:



William J. Martinez
United States District Judge