

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO.: 16-CV-24447-HUCK

RENE MESA,

Plaintiff,

vs.

AMERICAN EXPRESS EDUCATIONAL
ASSURANCE COMPANY,
AMERICAN EXPRESS, and
TRANSWORLD SYSTEMS INCORPORATED,

Defendants.



ORDER

THIS CAUSE came before the Court upon a *sua sponte* review of the record. On May 18, 2017, this Court entered two orders dismissing Plaintiff Rene Mesa's claims against Defendants American Express Educational Assurance Company and American Express [ECF No. 48] and against Defendant Transworld Systems Incorporated [ECF No. 49]. The Court granted Plaintiff leave to file an amended complaint on or before Monday, June 12, 2017, asserting sufficient allegations against Defendants only if such factual allegations could be made in good faith.


Under Federal Rule of Civil Procedure 41(b), the Court may dismiss an action "[i]f the plaintiff fails to prosecute or to comply with the[] rules or a court order." "The authority of a court to dismiss *sua sponte* for lack of prosecution has generally been considered an 'inherent power,' governed not by rule or statute but by the control necessarily vested in courts to manage their own affairs so as to achieve the orderly and expeditious disposition of cases." *Link v. Wabash R. Co.*, 370 U.S. 626, 630–31 (1962). The Eleventh Circuit likewise has held "that the district court may *sua sponte* dismiss a case under Rule 41(b)." *Brutus v. IRS*, 393 F. App'x 682,

683 (11th Cir. 2010).

More than a week has passed since the deadline for Plaintiff to file an amended complaint. Accordingly, the Court deems Plaintiff's failure to file an amended complaint during that time as evidence that Plaintiff has chosen not to continue with his claims against Defendants. Therefore, based on Plaintiff's failure to prosecute his case, it is hereby

ORDERED AND ADJUDGED that this action is **DISMISSED WITHOUT PREJUDICE**. The case is **CLOSED**, and any pending motions are **DENIED AS MOOT**.

DONE AND ORDERED in Chambers at Miami, Florida, on this 20th day of June, 2017.


Paul C. Huck
United States District Judge

Copies furnished to:
All Counsel of Record

Rene Mesa, *Pro Se*
7014 NW 169th St
Miami, FL 33015
305-744-6134
theforexdoctor@yahoo.com