

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS

CODY RAY LEVEKE,

Plaintiff,

v.

D. SPROUL,

Defendant.

Case No. 3:21-CV-00856-NJR

ORDER OF DISMISSAL

ROSENSTENGEL, Chief Judge:

This matter is before the Court *sua sponte* for case management purposes. On July 26, 2021, Plaintiff Cody Ray Leveke filed a Petition for Writ of Habeas Corpus (Doc. 1). On the same day, the Court ordered Plaintiff to submit a filing fee or file a motion to proceed *in forma pauperis* within 30 days (Doc. 2). Plaintiff was cautioned that his failure to do so may result in dismissal of his case for failure to prosecute pursuant to Federal Rule of Civil Procedure 41(b) (*Id.*). At this time, Plaintiff has not paid the required filing fee or filed a motion to proceed without payment.

The Court finds that Plaintiff has failed to comply with its order and to prosecute this matter. Consequently, this matter is **DISMISSED without prejudice** pursuant to Rule 41(b) of the Federal Rules of Civil Procedure. *See GCIU Employer Ret. Fund v. Chicago Tribune Co.*, 8 F.3d 1195, 1199 (7th Cir. 1993) (“[D]istrict courts possess inherent authority to dismiss a case *sua sponte* for a plaintiff’s failure to prosecute.”).

IT IS SO ORDERED.

DATED: January 7, 2022



NANCY J. ROSENSTENGEL  
Chief U.S. District Judge