

the court's inherent power to control its docket and prevent undue delays in the disposition of pending cases.” *Boudwin v. Graystone Ins. Co., Ltd.*, 756 F.2d 399, 401 (5th Cir. 1985)(citing *Link v. Wabash R.R. Co.*, 370 U.S. 626, 629 (1962)).

The petitioner has been alerted to the existence of the Court’s authority to consider involuntary dismissal pursuant to Rule 41(b) and that dismissal could follow if he failed to comply with the most recent directions that he supplement his habeas petition. The supplement which he has been urged to file would reveal whether he suffered the imposition of “custody” such as will impact the fact or the anticipated duration of his confinement.

Dismissal for failure to prosecute is appropriate “when there is a clear record of delay or contumacious conduct, or when other less drastic sanctions have proven unavailing.” *Maynard v. Nygren*, 332 F.3d 462, 467 (7th Cir. 2003) (internal quotation marks and citation omitted). The petitioner was given an explicit warning. He has not complied, over a period of months, with orders that he demonstrate the jurisdictional element of being “in custody” as a result of the challenged proceeding sufficient to support his prayer for habeas relief. Further investment of the Court’s time and attention in this matter is not warranted because the petitioner is willing to litigate solely on his terms and because only continued disobedience of the Court’s orders can be expected.

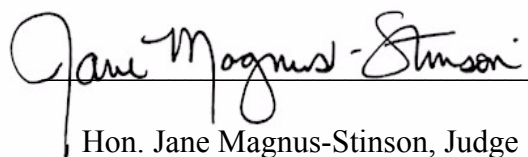
This action is therefore dismissed pursuant to Rule 41(b) for failure to prosecute. The dismissal shall be with prejudice.

II.

Judgment consistent with this Entry shall now issue.

IT IS SO ORDERED.

Date: January 26, 2015

A handwritten signature in black ink that reads "Jane Magnus-Stinson". The signature is written in a cursive style and is positioned above a horizontal line.

Hon. Jane Magnus-Stinson, Judge
United States District Court
Southern District of Indiana

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