

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
NEW ALBANY DIVISION

RYAN MICHAEL KONKLE,)	
)	
Plaintiff,)	
)	
v.)	No. 4:17-cv-00146-TWP-TAB
)	
SHERIFF OF CLARK COUNTY, INDIANA,)	
)	
Defendant.)	

**Entry Dismissing Action for Failure to Prosecute
and Directing Entry of Final Judgment**

Plaintiff Ryan Michael Konkle filed this action on August 11, 2017, asserting claims under 42 U.S.C. § 1983 against the Sheriff of Clark County, Indiana, where Konkle was incarcerated. Konkle alleged that conditions in the jail were unconstitutional.

The Court screened the complaint and ordered service on the Sheriff. It also denied Konkle’s motion for leave to proceed *in forma pauperis* and directed Konkle to either pay the filing fee or resubmit his *in forma pauperis* motion accompanied by a copy of his jail financial trust account statement by September 18, 2017. *See* dkt. 4. Konkle did not respond.

On September 19, 2017, the Court again directed Konkle to either pay the filing fee or renew his motion for *in forma pauperis* status no later than October 11, 2017, warning him that the failure to respond to the order would result in the dismissal of this action without further notice. *See* dkt. 11. Konkle has not responded.

Konkle has abandoned this lawsuit. The State of Indiana’s online court records system indicates that Konkle was ordered released from custody on his state criminal charges just three days after this action was filed. Since that time he has not updated his address with the Court nor filed any additional papers with the clerk. Each piece of mail sent to him by the clerk has been

returned, including the notices to pay the filing fee or renew his *in forma pauperis* motion. It has been more than two months since he was released from jail, and Konkle has made no attempt to prosecute his case. Dismissal of the action is appropriate under these circumstances. *Fed. R. Civ. P. 41(b)*; *Dupree v. Hardy*, 859 F.3d 458, 563 (7th Cir. 2017); *Kasalo v. Harris & Harris, Ltd.*, 656 F.3d 557, 561 (7th Cir. 2011).

Accordingly, **this action is dismissed** for failure to prosecute. Judgment consistent with this Entry shall now enter.

IT IS SO ORDERED.

Date: 10/18/2017



TANYA WALTON PRATT, JUDGE
United States District Court
Southern District of Indiana

Distribution:

Electronically Registered Counsel

Ryan Michael Konkle
Clark County Jail
Inmate Mail/Parcels
501 East Court Avenue
Jeffersonville, IN 47130