

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS**

<p>JERAMIE LAMM,</p> <p style="text-align: center;">Plaintiff,</p> <p>vs.</p> <p>MICHAEL J. GRUBBS, et al.,</p> <p style="text-align: center;">Defendants.</p> <hr style="width: 100%;"/>	<p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p>	<p>Case No. 11-3019-JAR</p>
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MEMORANDUM AND ORDER

This Court issued its Notice and Order to Show Cause (Doc. 50) on December 30, 2011, requiring Plaintiff to show good cause in writing on or before January 23, 2012, why this case should not be dismissed as to Defendant John Speer for lack of prosecution pursuant to Fed. R. Civ. P. 41(b). Plaintiff filed his Complaint in this case on January 21, 2011, and service of the summons and complaint was accomplished on defendant John Speer on June 20, 2011.¹

Defendant John Speer has not answered or responded to the Complaint and Plaintiff has taken no action to obtain a default judgment against Defendant John Speer. Plaintiff has failed to respond to the Court's Notice and Order to Show Cause.

The Court may dismiss an action under Rule 41(b) “[i]f the plaintiff fails to prosecute or to comply with these rules or a court order.”² The Court is aware that Plaintiff is proceeding *pro se*. However, “[t]he court’s authority to dismiss a case for failure to prosecute or failure to

¹Doc. 46.

²Fed. R. Civ. P. 41(b).

follow the court's orders is not discarded simply because a plaintiff is proceeding *pro se*.”³
Plaintiff is obligated to comply with the Federal Rules of Civil Procedure and this Court's orders.⁴ Plaintiff has failed to respond to this Court's Notice and Order to Show Cause and has failed to show good cause why this case should not be dismissed as to Defendant John Speer for lack of prosecution under Rule 41(b).

IT IS THEREFORE ORDERED BY THE COURT that Plaintiff's Complaint as to Defendant John Speer shall be **DISMISSED without prejudice**, for lack of prosecution.

IT IS SO ORDERED.

Dated: January 24, 2012

S/ Julie A. Robinson
JULIE A. ROBINSON
UNITED STATES DISTRICT JUDGE

³*Allen v. U.S.*, ___ F.R.D. ___, 2011 WL 5386626, *2 (D.D.C. Oct. 31, 2011).

⁴*See id.* (citation omitted).