

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

TYLER EARL JEFFERSON,

Plaintiff,

v.

CASE NO. 17-3004-SAC-DJW

**KANSAS, STATE OF, and
DOUGLAS COUNTY CORRECTIONAL
FACILITY,**

Defendant.

ORDER

This pro se civil rights complaint was filed pursuant to 42 U.S.C. § 1983. On February 16, 2017, U. S. Magistrate Judge David J. Waxse screened Plaintiff's Complaint and entered a Notice and Order to Show Cause (Doc. 7) ("NOSC") giving Plaintiff until March 15, 2017, in which to show cause why his Complaint should not be dismissed for the reasons stated in the NOSC. Plaintiff has failed to respond to the NOSC within the allowed time.

Rule 41(b) of the Federal Rules of Civil Procedure "authorizes a district court, upon a defendant's motion, to order the dismissal of an action for failure to prosecute or for failure to comply with the Federal Rules of Civil Procedure or 'a court order.'" *Young v. U.S.*, 316 F. App'x 764, 771 (10th Cir. 2009) (citing Fed. R. Civ. P. 41(b)). "This rule has been interpreted as permitting district courts to dismiss actions *sua sponte* when one of these conditions is met." *Id.* (citing *Link v. Wabash R.R. Co.*, 370 U.S. 626, 630–31 (1962); *Olsen v. Mapes*, 333 F.3d 1199, 1204 n.3 (10th Cir. 2003)). "In addition, it is well established in this circuit that a district court is

not obligated to follow any particular procedures when dismissing an action *without prejudice* under Rule 41(b).” *Young*, 316 F. App’x at 771–72 (citations omitted).

The time in which Plaintiff was required to respond to the NOSC has passed without a response from Plaintiff. As a consequence, the Court dismisses this action without prejudice pursuant to Rule 41(b) for failure to comply with court orders.

IT IS THEREFORE BY THE COURT ORDERED that this action is **dismissed without prejudice** pursuant to Fed. R. Civ. P. 41(b).

IT IS SO ORDERED.

Dated this 17th day of March, 2017, in Topeka, Kansas.

s/ Sam A. Crow
SAM A. CROW
U. S. Senior District Judge