

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

EDWARD E. TERRELL, SR.,

Plaintiff,

v.

CASE NO. 17-3038-SAC-DJW

SEDGWICK COUNTY,

Defendant.

MEMORANDUM AND ORDER

By its order of April 17, 2017, the Court liberally construed this matter as a petition for habeas corpus challenging plaintiff's conviction in Case No. 2002-CR-1700. The Court granted plaintiff to and including May 12, 2017, to submit financial records in support of his application to proceed in forma pauperis and to show cause why the matter should not be dismissed as time-barred. Plaintiff has failed to respond.

Rule 41(b) of the Federal Rules of Civil Procedure allows a district court to dismiss an action sua sponte "[i]f the plaintiff fails to prosecute or comply with these rules or a court order." Fed.R.Civ.P. 41(b). *See Olsen v. Mapes*, 333 F.3d 1199, 1204 n.3 (10th Cir. 2003) (stating that Rule 41(b) "has long been interpreted to permit courts to dismiss actions sua sponte for a plaintiff's failure to prosecute or comply with the rules of civil procedure or court's orders.") (citing *Link v. Wabash R.R. Co.*, 370 U.S. 626, 630-31 (1962)). Having considered the record, the Court concludes this matter may be dismissed.

IT IS, THEREFORE, BY THE COURT ORDERED this matter is dismissed under Rule 41(b) of the Federal Rules of Civil Procedure.

IT IS SO ORDERED.

DATED: This 16th day of May, 2017, at Topeka, Kansas.

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