

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

VENANCIO VIGIL,

Plaintiff,

v.

CASE NO. 17-3071-SAC

RENO COUNTY SHERIFF'S DEPARTMENT,
et al.,

Defendants.

MEMORANDUM AND ORDER

This matter is a civil rights action filed under 42 U.S.C. § 1983. Plaintiff commenced this action on April 24, 2017. On the same day, the Clerk of the Court entered a Notice of Deficiency advising plaintiff that he must submit financial records in support of his application to proceed in forma pauperis. Plaintiff was advised the failure to comply within the prescribed time might result in the dismissal of this matter without additional notice.

The response was due on May 24, 2017. Plaintiff has failed to submit the records and has filed no other response, and the Court concludes this matter may be dismissed without prejudice under Rule 41(b) of the Federal Rules of Civil Procedure.

"Although the language of Rule 41(b) requires that the defendant file a motion to dismiss, the Rule has long been interpreted to permit courts [as here] to dismiss actions sua sponte for a plaintiff's failure to ... comply with the rules of civil procedure or court's orders." *Olsen v. Mapes*, 333 F.3d 1199, 1204 n.3 (10th Cir. 2003).

IT IS, THEREFORE, BY THE COURT ORDERED this matter is dismissed without prejudice.

IT IS SO ORDERED.

DATED: This 30th day of May, 2017, at Topeka, Kansas.

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