

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

ABRON D. SLAUGHTER,

Plaintiff,

v.

CASE NO. 17-3147-SAC

**JOHNSON COUNTY ADULT DETENTION CENTER,
et al.,**

Defendants.

MEMORANDUM AND ORDER

This matter is a civil rights action filed under 42 U.S.C. § 1983. On November 7, 2017, the Court granted leave to proceed in forma pauperis and directed plaintiff to show cause on or before December 7, 2017, why this matter should not be dismissed. The order advised plaintiff that the failure to file a timely response might result in the dismissal of this matter without prejudice. Plaintiff has filed no response.

Rule 41(b) of the Federal Rules of Civil Procedure authorizes a district court to dismiss an action if a plaintiff "fails to prosecute or to comply with these rules or a court order." See Fed. R. Civ. P. 41(b). In the Tenth Circuit, case law has "consistently interpreted Rule 41(b) to permit courts to dismiss actions sua sponte for a plaintiff's failure to prosecute." *Huggins v. Supreme Court of U.S.*, 480 Fed.Appx. 915, 916-17 (10th Cir. 2012) (internal quotation marks omitted). Where, as here, a dismissal is without prejudice, the Court need not follow any "particular procedures." *AdvantEdge Bus. Grp. v. Thomas E. Mestmaker & Assocs., Inc.*, 552 F.3d 1223, 1236 (10th Cir. 2009).

Having considered the record, the Court concludes dismissal is appropriate due to plaintiff's failure to comply with the order to show cause entered in this matter.

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

IT IS FURTHER ORDERED plaintiff's motion to proceed in forma pauperis (Doc. #4) is denied as moot.

IT IS SO ORDERED.

DATED: This 12th day of December, 2017, at Topeka, Kansas.

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