

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

JOHNATHAN C. READ,

Plaintiff,

v.

CASE NO. 22-3120-SAC

(FNU) (LNU), Crawford County
Sheriff, et al.,

Defendants.

MEMORANDUM AND ORDER

This matter is a civil rights action filed under 42 U.S.C. § 1983. Plaintiff, a detainee, proceeds pro se.

On June 16, 2022, the clerk of the court entered a notice of deficiency (NOD) advising plaintiff that he had failed to supply financial information in support of his motion for leave to proceed in forma pauperis. Plaintiff was given a deadline of July 18, 2022, to provide that material.

On June 24, 2022, the court entered a Memorandum and Order (MO) advising plaintiff of deficiencies in the complaint and allowing him to and including July 22, 2022, to file an amended complaint. Plaintiff was advised the failure to file a timely response might result in the dismissal of the complaint.

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).

Plaintiff has failed to file a response to either the NOD or the MO, and the court concludes this matter may be dismissed.

IT IS, THEREFORE, BY THE COURT ORDERED this matter is dismissed for lack of prosecution.

IT IS FURTHER ORDERED plaintiff's motion to proceed in forma pauperis (Doc. 2) is denied as moot.

IT IS SO ORDERED.

DATED: This 29th day of July, 2022, at Topeka, Kansas.

S/ Sam A. Crow

SAM A. CROW

U.S. Senior District Judge