

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

LUCAS EUGENE BLAINE HOLLINGSWORTH,

Plaintiff,

v.

CASE NO. 24-3202-JWL

ADAN NANCE,

Defendant.

MEMORANDUM AND ORDER

Plaintiff Lucas Eugene Blaine Hollingsworth, who is currently incarcerated at the Crawford County Jail in Girard, Kansas, began this pro se action under 42 U.S.C. § 1983 by filing his complaint on November 14, 2024. (Doc. 1.) On November 18, 2024, the Court issued a notice of deficiency (NOD) informing Plaintiff that he was required to resubmit his complaint upon the provided court-approved forms and to either pay the statutorily required filing fee or submit a motion to proceed without prepayment of fees. (Doc. 2.) The NOD further advised Plaintiff that if he “fail[ed] to comply within the prescribed time, . . . this action may be dismissed without further notice for failure to comply with this court order.” *Id.* at 1-2. The deadline for compliance was December 18, 2024. *Id.* at 2.

The deadline has passed and Plaintiff has not complied with the NOD, nor has he filed anything further in this matter. Under Rule 41(b) of the Federal Rules of Civil Procedure, a district court may dismiss an action “if the plaintiff fails to prosecute or to comply with these rules or a court order.” Fed. R. Civ. P. 41(b); *See also Olsen v. Mapes*, 333 F.3d 1199, 1204 n.3 (10th Cir. 2003) (noting that Rule 41(b) “has long been interpreted to permit courts to dismiss actions sua sponte for a plaintiff’s failure . . . to comply with the . . . court’s orders”). Because Plaintiff has failed to comply with the NOD and has failed to file anything further in this matter, the Court concludes that this matter should be dismissed without prejudice under Rule 41(b).

IT IS THEREFORE ORDERED THAT this matter is **dismissed without prejudice** under Fed. R. Civ. P. 41(b) for failure to comply with a court order.

IT IS SO ORDERED.

Dated on this 6th day of January, 2025, in Kansas City, Kansas.

s/ John W. Lungstrum
JOHN W. LUNGSTRUM
United States District Judge