

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF KENTUCKY
AT BOWLING GREEN**

JAMES L. SHAW III

PLAINTIFF

v.

CIVIL ACTION NO. 1:13CV-P62-R

UNITED STATES OF AMERICA

DEFENDANT

MEMORANDUM OPINION

On May 20, 2013, the Clerk of Court issued a deficiency notice to Plaintiff directing him to sign the complaint and to file a certified copy of his jail/prison trust account statement for the six-month period preceding the filing of the complaint (DN 4). The deficiency notice advised Plaintiff that failure to comply within 30 days, without good cause shown, would result in this matter being brought to the attention of the Court. Plaintiff failed to respond. On June 27, 2013, therefore, the Court entered an Order directing Plaintiff to show cause why the action should not be dismissed for failure to comply with the May 20, 2013, deficiency notice, or alternatively, to comply with the deficiencies (DN 5). The Court warned Plaintiff that failure to comply with the Order within 21 days would result in dismissal of this civil action. The 21 days have passed without any response by Plaintiff.

Rule 41(b) of the Federal Rules of Civil Procedure authorizes the involuntary dismissal of an action if a plaintiff fails to prosecute or to comply with an order of the court. *See Jourdan v. Jabe*, 951 F.2d 108, 109 (6th Cir. 1991) (“Fed. R. Civ. P. 41(b) recognizes the power of the district court to enter a *sua sponte* order of dismissal.”). Additionally, courts have inherent power “acting on their own initiative, to clear their calendars of cases that have remained dormant because of the inaction or dilatoriness of the parties seeking relief.” *Link v. Wabash*

R.R. Co., 370 U.S. 626, 630 (1962). Although federal courts afford *pro se* litigants some leniency on matters that require legal sophistication, such as formal pleading rules, the same policy does not support leniency from court deadlines and other procedures readily understood by laypersons, particularly where there is a pattern of delay or failure to pursue a case. *See Jourdan*, 951 F.2d at 110.

Because Plaintiff failed to comply with the Clerk's directive and with an Order of this Court, the Court concludes that he has abandoned any interest in prosecuting this action.

Therefore, by separate Order, the Court will dismiss the instant action.

Date: July 30, 2013

The image shows a handwritten signature in black ink that reads "Thomas B. Russell". The signature is written in a cursive style. Behind the signature is a circular seal of the United States District Court, which features an eagle with wings spread, holding an olive branch and arrows, with a shield on its chest. The seal is partially obscured by the signature.

**Thomas B. Russell, Senior Judge
United States District Court**

cc: Plaintiff, *pro se*
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