

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF KENTUCKY
AT LOUISVILLE**

JOHN J. HOESLI

PLAINTIFF

v.

CIVIL ACTION NO. 3:09CV-855-H

HON. PETE GEREN *et al.*

DEFENDANTS

MEMORANDUM OPINION

Plaintiff filed this action on October 22, 2009, by submitting a two-page, typed complaint along with several attachments to the Court. Plaintiff did not file an application to proceed without prepayment of fees or pay the \$350.00 filing fee at the time he filed this action. Accordingly, on October 23, 2009, the Clerk of Court issued a deficiency to Plaintiff instructing him to either pay the fee in full or file an application to proceed without prepayment of fees within 30 days. Plaintiff was warned that his failure to remedy the deficiency within the time allotted would result in this matter being brought to the attention of the Court. Plaintiff did not respond to the deficiency notice.

As a result, by Order entered December 10, 2009, the Court provided Plaintiff with an additional 28 days to either pay the \$350.00 filing fee or submit a fully completed application to proceed without prepayment of fees. Plaintiff was warned that his failure to comply with the Order would result in dismissal of this action. Plaintiff has neither complied with the Court's Order nor shown good cause for his failure to do so.

Courts have an 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). Because it appears to this Court that Plaintiff has abandoned any interest in prosecuting this case, the Court will dismiss the action pursuant to Fed. R. Civ. P. 41(b) for failure to comply with the Court's Order and for

failure to prosecute.

The Court will enter a separate Order consistent with this Memorandum Opinion.

Date:

cc: Plaintiff, *pro se*
4412.008