

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

**LEONARD LESTER**

**PLAINTIFF**

**v.**

**CIVIL ACTION NO. 3:12CV-P112-S**

**DR. ANDERSON**

**DEFENDANT**

**MEMORANDUM OPINION**

By Order entered August 31, 2012, the Court directed Plaintiff to file his action on a Court-approved 42 U.S.C. § 1983 complaint form; either pay the \$350.00 filing fee in full or file a fully completed application to proceed without prepayment of fees along with a certified copy of his prison trust account statement for the six-month period immediately preceding the filing of the action; and complete a summons form for each defendant. The Court warned Plaintiff that his failure to comply with the Order within 30 days would result in dismissal of this civil action. The 30 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 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: October 23, 2012

The image shows a handwritten signature in black ink, which appears to be "CS", written over the official seal of the United States District Court. The seal is circular and contains the text "UNITED STATES DISTRICT COURT" and "MAY 19 18 1878".

**Charles R. Simpson III, Judge  
United States District Court**

cc: Plaintiff, *pro se*  
Defendant  
4411.005