

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
SOUTHEASTERN DIVISION**

DANIEL POTTER,	)	
	)	
Plaintiff,	)	
	)	
v.	)	No. 1:17-cv-116-ACL
	)	
JOHN JORDAN, et al.,	)	
	)	
Defendants.	)	

**MEMORANDUM AND ORDER**

This matter is before the Court upon review of the file. Plaintiff filed this civil action on July 24, 2017, and filed a motion for leave to proceed in forma pauperis. The Court granted plaintiff's motion and conducted initial review of the complaint. The Court determined that the complaint was defective because plaintiff named eight defendants and eight fictitious parties, and asserted numerous unrelated claims against them. On September 19, 2017, the Court gave plaintiff an opportunity to submit an amended complaint, and cautioned him that his failure to timely respond would result in the dismissal of his case without further notice. His response to the Court was due on October 10, 2017.

To date, plaintiff has neither filed an amended complaint nor sought additional time to do so. Plaintiff was given meaningful notice of what was expected, and cautioned that his case would be dismissed if he failed to timely comply. Therefore, this action will be dismissed without prejudice due to plaintiff's failure to prosecute his case and his failure to comply with this Court's September 19, 2017 order. Fed. R. Civ. P. 41(b); see also *Dudley v. Miles*, 597 F. App'x 392 (8th Cir. 2015) (per curiam) (affirming dismissal without prejudice where pro se plaintiff failed to file an amended complaint despite being cautioned that dismissal could result


from failure to do so); *Fitzwater v. Ray*, 352 F. App'x 125, 126 (8th Cir. 2009) (per curiam) (district court did not abuse its discretion in dismissing action without prejudice when the pro se plaintiffs failed to comply with an order “directing them to file within fourteen days an amended complaint in conformity with Rule 8”); *Brown v. Frey*, 806 F.2d 801, 803-04 (8th Cir. 1986) (a district court has the power to dismiss an action for the plaintiff’s failure to comply with any court order).

Accordingly,

**IT IS HEREBY ORDERED** that this case is **DISMISSED** without prejudice. A separate order of dismissal will be entered herewith.

**IT IS HEREBY CERTIFIED** that an appeal from this dismissal would not be taken in good faith.

Dated this 20<sup>th</sup> day of October, 2017.

  
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STEPHEN N. LIMBAUGH, JR.  
UNITED STATES DISTRICT JUDGE