

No. 4:13CV1137 TIA

Dockets.Justia.com

Rule 41(b) permits the Court to dismiss an action where the filing party refuses to follow the Court's orders. Rule 4 of the Rules Governing Habeas Cases requires that the Court conduct a *sua sponte* review of habeas petitions and to dismiss them if it appears that petitioner is not entitled to relief. Rule 2(d) of the Rules Governing Habeas Cases requires that a petition must substantially follow the form distributed by the Court. "A [petition] which fails to comply with Rule 8 may be dismissed with prejudice pursuant to Fed. R. Civ. P. 41(b) after allowing time to file an amended complaint." Mangan v. Weinberger, 848 F.2d 909, 911 (8th Cir. 1988).


The Court will dismiss this action because the petition does not comply with the applicable rules and because petitioner has refused to comply with the Court's orders.

As a result,

**IT IS HEREBY ORDERED** that this action is **DISMISSED** without prejudice.

An Order of Dismissal will accompany this Memorandum and Order.

Dated this 19th day of August, 2013.

  
\_\_\_\_\_  
STEPHEN N. LIMBAUGH, JR.  
UNITED STATES DISTRICT JUDGE