

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

STEVEN TRAMBLE,)	
)	
Petitioner,)	
)	
v.)	No. 4:17-cv-154-RLW
)	
MISSOURI DEPARTMENT OF)	
CORRECTIONS,)	
)	
Respondent.)	

MEMORANDUM AND ORDER

This matter is before the Court upon review of the file. On January 10, 2017, petitioner Steven Tramble filed a Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254, but neither paid the filing fee nor filed a motion for leave to proceed *in forma pauperis*. On January 18, 2017, this Court entered an order directing him to do one or the other. Petitioner’s response was due on February 8, 2017, but he neither complied with the Court’s order nor sought additional time to do so. On February 17, 2017, this Court entered an order directing petitioner to show cause why his petition should not be dismissed due to his failure to comply with the Court’s order. His response was due on March 10, 2017 but to date, he has neither complied nor sought additional time to do so.

The Court therefore determines that dismissal is appropriate pursuant to Rule 41(b) of the Federal Rules of Civil Procedure, due to plaintiff’s failure to comply with court orders and to prosecute his case. *See Doe v. Cassel*, 403 F.3d 986, 990 (8th Cir. 2005) (Rule 41 dismissal is appropriate in cases of willful disobedience of a court order or persistent failure to prosecute a complaint); *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); *see also* Rule 12

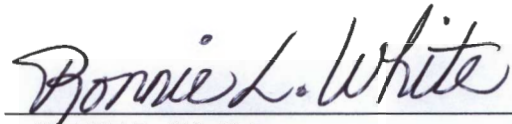
of the Rules Governing Section 2254 cases in the United States District Courts (federal rules of civil procedure apply to § 2254 habeas proceedings, to the extent they are not inconsistent with any statutory provisions or rules governing habeas cases).

Accordingly,

IT IS HEREBY ORDERED that Steven Tramble's Petition for Writ of Habeas Corpus (Docket No. 1) is **DISMISSED** without prejudice. A separate order of dismissal will be entered herewith.

IT IS FURTHER ORDERED that no certificate of appealability shall issue.

Dated this 20th day of March, 2017.



RONNIE L. WHITE
UNITED STATES DISTRICT JUDGE