

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

PATRICK JOHNSON,)	
)	
Plaintiff,)	
)	
v.)	No. 4:18CV1737 HEA
)	
STEVE LARKINS, et al.,)	
)	
Defendants.)	

OPINION, MEMORANDUM AND ORDER

This matter is before the Court upon review of the file. Plaintiff Patrick Johnson commenced this civil action on October 9, 2018, by filing a twenty-one page handwritten complaint naming multiple employees at the Eastern Reception Diagnostic and Correctional Center (“ERDCC”) as defendants. On December 26, 2018, plaintiff filed a change of address notice with the Court indicating that he had been released from prison. On January 23, 2019, the Court ordered plaintiff to submit a new motion to proceed *in forma pauperis* because the inmate account statement submitted in support of his original motion was no longer an accurate representation of his financial situation. In that same order, the Court also required that plaintiff file an amended complaint on the Court’s form and in compliance with the Court’s instructions. ECF No. 6. The Court cautioned plaintiff that his failure to timely comply with the order would result in the dismissal of his case without further notice. Plaintiff’s response was due on February 13, 2019.

To date, plaintiff has neither responded to the Court’s order, nor sought additional time to do so. Plaintiff was given meaningful notice of what was expected, he was cautioned that his case would be dismissed if he failed to timely comply, and he was given ample time to comply.

The Court will therefore dismiss this action, without prejudice, due to plaintiff's failure to comply with the Court's January 23, 2019, order and his failure to prosecute his case. *See* Fed. R. Civ. P. 41(b); *see also Link v. Wabash R.R. Co.*, 370 U.S. 626, 630-31 (1962) (the authority of a court to dismiss *sua sponte* for lack of prosecution is inherent power governed "by the control necessarily vested in courts to manage their own affairs so as to achieve the orderly and expeditious disposition of cases"); *Brown v. Frey*, 806 F.2d 801, 803 (8th Cir. 1986) (a district court has the power to dismiss an action for the plaintiff's failure to comply with any court order).

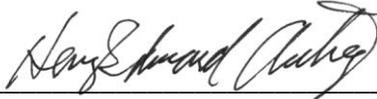
Accordingly,

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

IT IS FURTHER ORDERED that plaintiff's motion for leave to proceed *in forma pauperis* [ECF No. 2] is denied as moot.

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

Dated this 21st day of February, 2019



HENRY EDWARD AUTREY
UNITED STATES DISTRICT JUDGE