

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

LEON THOMAS,)	
)	
Plaintiff,)	
)	
v.)	No. 4:20-cv-51-HEA
)	
CORIZON MEDICAL SERVICE, et al.,)	
)	
Defendants.)	

OPINION, MEMORANDUM AND ORDER

This matter is before the Court upon review of the file. For the reasons explained below, this case will be dismissed pursuant to Rule 41(b) of the Federal Rules of Civil Procedure.

Plaintiff initiated this case on January 10, 2020, and filed a motion for leave to proceed *in forma pauperis*. In the motion, he averred he was incarcerated at the Farmington Correctional Center, and he provided a copy of his inmate account statement. However, shortly after filing the motion, plaintiff filed a notice of change of address with this Court, providing the address of a private residence. Additionally, information obtained from the Missouri Department of Corrections’ online services indicated that plaintiff was no longer incarcerated. On April 30, 2020, the Court entered an order directing plaintiff to either pay the \$400 filing fee, or file an updated Application to Proceed in District Court Without Prepaying Fees or Costs that contained current information about his finances. In that order, the Court clearly explained what was expected, and cautioned plaintiff that his failure to timely comply could result in the dismissal of his case without further notice. The Court held plaintiff’s January 10, 2020 motion in abeyance, to be addressed if and when plaintiff complied with the Court’s order.

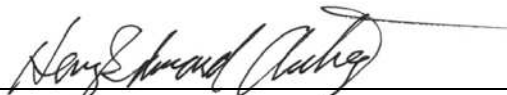
Plaintiff's response was due to the Court on June 1, 2020. To date, however, he has neither responded to the Court's order, nor sought additional time to do so. The Court gave plaintiff meaningful notice of what was expected, cautioned him that his case would be dismissed if he failed to timely comply, and gave him significant additional time to comply. Therefore, this action will be dismissed without prejudice due to plaintiff's failure to comply with this Court's April 30, 2020 order and his failure to prosecute his case. *See* Fed. R. Civ. P. 41(b); *see also 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); *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).

Accordingly,

IT IS HEREBY ORDERED that this action 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.

Dated this 26th day of June, 2020.



HENRY EDWARD AUTREY
UNITED STATES DISTRICT JUDGE