UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

WILLIE OLIVER,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No. 4:23-cv-894 JMB
	)	
ANNE L. PRECYTHE, et al.,	)	
	)	
Defendants.	)	

MEMORANDUM AND ORDER

This matter is before the Court upon review of the file. Self-represented Plaintiff Willie Oliver brings this action under 42 U.S.C. § 1983, accusing Defendants of allowing inmates at the Missouri Eastern Correctional Center to be restrained with plastic zip-ties for an excessive amount of time. ECF No. 1. On October 3, 2023, the Court granted Plaintiff's motion to proceed *in forma pauperis* and assessed an initial partial filing fee of $1.00. ECF No. 8. However, because essential sections of Plaintiff's amended complaint were left blank, the Court could not determine whether Plaintiff's amended complaint survived initial review under 28 U.S.C. § 1915. As such, the Court ordered Plaintiff to file a completed second amended complaint within thirty (30) days if he wanted this case to proceed. *Id.* The Court warned Plaintiff that his failure to comply with that Order would result in dismissal of this action.

Plaintiff's response was due by November 2, 2023. 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 October 3, 2023, 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 HEREBY CERTIFIED that an appeal from this dismissal would not be taken in good faith.

Dated this 13th day of November, 2023.

RODNEY W. SIPPEL
UNITED STATES DISTRICT JUDGE