IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF NEW MEXICO

JESUS P. LOVATO,

    Plaintiff,

v.   **No. 17-cv-0544 RB/SMV**

**SAN JUAN COUNTY ADULT
DETENTION CENTER,**
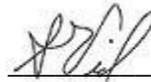
    Defendant.

ORDER TO SHOW CAUSE

THIS MATTER is before the Court sua sponte. On May 17, 2017, the Court granted Plaintiff Jesus P. Lovato's Application to Proceed in District Court Without Prepaying Fees or Costs pursuant to 28 U.S.C. § 1915 and ordered Plaintiff to submit an initial partial payment in the amount of $11.87 or show cause why the payment should be excused. [Doc. 3]. The deadline for the submission of the initial partial payment has expired and, as of this date, Plaintiff has not submitted the initial partial payment, shown cause why the payment should be excused, or otherwise responded to the Court's order. In light of Plaintiff's failure to comply with the Court's order, the Court will require Plaintiff to show cause, within 30 days of the date of entry of this order, why his civil rights complaint should not be dismissed. *See* Fed. R. Civ. P. 41(b) (providing for involuntary dismissal "[i]f the plaintiff fails to prosecute or to comply with these rules or a court order"); *see also Cosby v. Meadors*, 351 F.3d 1324, 1327 (10th Cir. 2003) (holding that a prisoner civil rights action may be dismissed for "failure to pay the filing fee required by

§ 1915(b)" or "failure to comply with [a court] order").   Failure to submit the previously ordered initial partial payment of $11.87, or show cause why Plaintiff's civil rights complaint should not be dismissed, within 30 days of the date of entry of this order may result in the dismissal of this action without prejudice without further notice.

   IT IS THEREFORE ORDERED that, within 30 days of the date of entry of this order, Plaintiff shall send to the Clerk of the Court the previously ordered initial partial payment of $11.87 or show cause why his civil rights complaint should not be dismissed.

   IT IS SO ORDERED.

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STEPHAN M. VIDMAR
United States Magistrate Judge