

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

GABRIEL J. BLEA,

Plaintiff,

vs.

No. CV 21-00763 DHU/KRS

UNITED STATES,
U.S. ATTORNEY,
ANGLICA HALL,

Defendants.

MEMORANDUM OPINION AND ORDER OF DISMISSAL

THIS MATTER is before the Court *sua sponte* under Fed. R. Civ. P. 41(b) on the Civil Complaint filed by Plaintiff Gabriel J. Blea on August 16, 2021. (Doc. 1). The Court will dismiss the Complaint without prejudice for failure to comply with Court orders, statutes, and rules, and failure to prosecute.

Plaintiff, Gabriel J. Blea filed this civil case claiming that the Defendants have committed misprision of treason by failing to prosecute elected officials who do not have surety bonds on file with the New Mexico Secretary of State. (Doc. 1 at 1). Plaintiff seeks \$15 million in punitive damages, the immediate resignation of all elected officials involved in the government RICO, and for Defendant to prosecute and seek the death penalty for the State of New Mexico Finance Board officers. (Doc. 1 at 2-3).

Plaintiff did not pay the \$402 filing fee or submit an application to proceed *in forma pauperis* pursuant to 28 U.S.C. § 1915. On August 24, 2021, the Court ordered Plaintiff pay the filing fee or submit an application to proceed under § 1915 within 30 days. (Doc. 3 at 1-2). The

Order also notified Plaintiff that his Complaint was not in proper form and directed him to submit a complaint in proper form within 30 days. (Doc. 3 at 1-2). The Court also informed Plaintiff that, if he did not pay the filing fee, submit an application to proceed under § 1915, or submit a complaint in proper form within 30 days, the Court could dismiss the case without further notice. (Doc. 3 at 2). Last, the Court provided Plaintiff with forms and instructions for a § 1915 application to proceed and a prisoner civil rights case. (Doc. 3 at 3).

Plaintiff did not pay the filing fee, submit an application to proceed *in forma pauperis*, file a complaint in proper form, or respond to the Court's Order. Instead, all mail sent to Plaintiff at his address of record has been returned as undeliverable. (Doc. 4, 5, 7). Plaintiff has never responded to the Court's August 24, 2021 Order and has not communicated with the Court since he filed the Complaint on August 16, 2021.

At the time it was filed, the Complaint indicated that Plaintiff was in custody at the Cibola County Detention Center. (Doc. 1). However, mail addressed to Plaintiff at Cibola County Detention Center has been returned as undeliverable. (Doc. 4, 5, 7). A review of BOP and New Mexico Corrections Department records indicate that Plaintiff Blea is no longer in custody at the Cibola County Detention Center, and he has not provided the Court with any current address.

Under 28 U.S.C. §§ 1914(a) and 1915(a), the Court is required to collect the filing fee from the Plaintiff or authorize Plaintiff to proceed without prepayment of the fee. Plaintiff was directed to pay the \$402 filing fee or submit an application to proceed under § 1915. (Doc. 3). Plaintiff has failed to pay the filing fee or submit an application to proceed as ordered by the Court. The local rules also require litigants, including prisoners, to keep the Court apprised of their proper mailing address and to maintain contact with the Court. D.N.M. LR-Civ. 83.6. Plaintiff Blea has failed to comply with D.N.M. LR-Civ. 83.6, failed to pay the filing fee, failed to submit an application to

proceed, failed to submit a complaint in proper form as ordered by the Court, and failed to communicate with the Court.

Pro se litigants are required to follow the federal rules of procedure and simple, nonburdensome local rules. *See Bradenburg v. Beaman*, 632 F.2d 120, 122 (10th Cir. 1980). The Court may dismiss an action under Fed. R. Civ. P. 41(b) for failure to prosecute, to comply with statutes or rules of civil procedure, or to comply with court orders. *See Olsen v. Mapes*, 333 F.3d 1199, 1204, n. 3 (10th Cir. 2003).

Plaintiff Blea has failed to comply with the Court's Order, failed to comply with statutory provisions, including 28 U.S.C. § 1915, failed to comply with D.N.M. LR-Civ. 83.6, and failed to prosecute this action. The Court may dismiss this action under Fed. R. Civ. P. 41(b) for failure to prosecute, to comply with the rules of civil procedure, to comply with statutes, and to comply with a court order. *Olsen v. Mapes*, 333 F.3d at 1204, n. 3. The Court will dismiss this civil proceeding pursuant to Rule 41(b) for failure to comply with statutes, rules, and a Court Order and failure to prosecute this proceeding.

IT IS ORDERED that the Civil Complaint filed by Plaintiff Gabriel J. Blea (Doc. 1) is **DISMISSED** without prejudice under Fed. R. Civ. P. 41(b) for failure to comply with rules, statutes, and the Court's Order, and for failure to prosecute.



UNITED STATES DISTRICT JUDGE