

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

MYRTIS PAULO HART,

Plaintiff,

v.

No. 23-cv-00853-MIS-JFR

METROPOLITAN DETENTION CENTER,
SYSCO, ARAMARK,

Defendants.

ORDER OF DISMISSAL

THIS MATTER is before the Court on a *sua sponte* review of the record.

Plaintiff Myrtis Paulo Hart commenced this case on September 28, 2023. ECF No. 1. On October 13, 2023, he filed an Application to Proceed in District Court Without Prepaying Fees or Costs. ECF No. 3 (“IFP Motion”). The IFP Motion did not include a six-month inmate account statement, as required by 28 U.S.C. § 1915(a)(2). On February 14, 2024, the Court entered an Order requiring Plaintiff to submit a six-month account statement within thirty days and advising him that failure to timely comply could result in dismissal without prejudice. ECF No. 5. Plaintiff did not respond to the Order and the deadline to do so expired on March 15, 2024. Further, a copy of the Order mailed to Plaintiff at his address of record was returned as undeliverable March 4, 2024. ECF No. 6. As Plaintiff did not timely respond to the Court’s Order, and appears to have severed contact with the Court, this case shall be dismissed without prejudice under Fed. R. Civ. P. 41(b) for “failure to prosecute [and] comply with the ... court’s orders.” *Olsen v. Mapes*, 333 F.3d 1199, 1204 n.3 (10th Cir. 2003).

IT IS THEREFORE ORDERED that this case is **DISMISSED** without prejudice, all pending motions are **DENIED AS MOOT**, and this case is now **CLOSED**. A separate judgment shall be entered herewith.

A handwritten signature in black ink that reads "Margaret Strickland". The signature is written in a cursive style with a large initial "M".

MARGARET STRICKLAND
UNITED STATES DISTRICT JUDGE