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

ROBBY ARMSTRONG,

     Plaintiff,

    v.   NO. 16-CV-01246-JB-WPL

CURRY COUNTY DETENTION CENTER,
CORRECT CARE SOLUTIONS,

     Defendants.

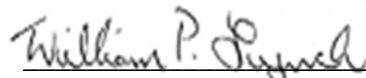## ORDER TO SHOW CAUSE

This matter is before the Court, *sua sponte*. On November 17, 2016, the Court ordered Plaintiff, within thirty days of the date of the order, to pay the $400.00 fee for this civil rights action or file an Application to Proceed in District Court Without Prepaying Fees or Costs (Long Form). [Doc. 3] The Court warned Plaintiff that "[f]ailure to timely pay the fee or file an Application to Proceed in District Court Without Prepaying Fees or Costs (Long Form) may result in the dismissal of this action without further notice." [Doc. 3] The thirty-day deadline has expired and, as of this date, Plaintiff has not paid the $400.00 fee, filed an Application to Proceed in District Court Without Prepaying Fees or Costs (Long Form), or otherwise responded to the Court's Order To Cure Deficiency.

Within thirty (30) days of the date of this Order, Plaintiff must pay the $400.00 fee, file an Application to Proceed in District Court Without Prepaying Fees or Costs (Long Form), or show cause why this action should not be dismissed. Plaintiff's failure to pay the $400.00 fee, file an Application to Proceed in District Court Without Prepaying Fees or Costs (Long Form), or to show cause why this action should not be dismissed, may result in the dismissal of this

action without further notice. *See Olsen v. Mapes*, 333 F.3d 1199, 1204 n.3 (10th Cir. 2003) (noting that Fed. R. Civ. P. 41(b) permits "courts to dismiss actions *sua sponte* for a plaintiff's failure to prosecute or comply with the rules of civil procedure or court's orders").

IT IS THEREFORE ORDERED that, within thirty (30) days of the date of this Order, Plaintiff pay the $400.00 fee, file an Application to Proceed in District Court Without Prepaying Fees or Costs (Long Form), or show cause why this action should not be dismissed.

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UNITED STATES MAGISTRATE JUDGE