

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

ROBBY ARMSTRONG,

Plaintiff,

vs.

No. CIV 16-1246 JB/WPL

CURRY COUNTY DETENTION CENTER
and CORRECT CARE SOLUTIONS,

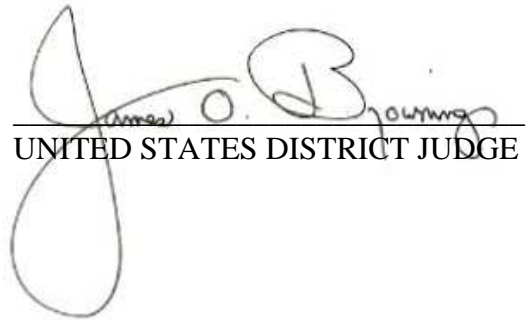
Defendants.

MEMORANDUM OPINION AND ORDER OF DISMISSAL WITHOUT PREJUDICE

THIS MATTER comes before the Court on the Honorable William P. Lynch, United States Magistrate Judge’s (i) Order to Cure Deficiency, filed November 17, 2016 (Doc. 3)(“Order to Cure Deficiency”); and (ii) Order to Show Cause, filed January 17, 2017 (Doc. 4)(“Show Cause Order”). In the Order to Cure Deficiency, Magistrate Judge Lynch ordered Plaintiff Bobby Armstrong 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). Armstrong failed to comply with Magistrate Judge Lynch’s Order to Cure Deficiency, and therefore on January 17, 2017, Magistrate Judge Lynch ordered Armstrong to pay the \$400.00 fee for this civil rights action, file an Application to Proceed in District Court Without Prepaying Fees or Costs (Long Form), or show cause why the Court should not dismiss this action. See Show Cause Order at 1. Magistrate Judge Lynch warned Armstrong that failure to comply with the Court’s order “may result in the dismissal of this action without further notice.” Show Cause Order at 1-2. Armstrong’s response was due on or before February 16, 2017, but, as of that date, Armstrong had not filed a response. Because Armstrong failed to comply with Magistrate Judge Lynch’s Orders, the Court will dismiss his Complaint for Violation of Civil Rights

(Prisoner Complaint), filed November 14, 2016 (Doc. 1) without prejudice pursuant to rule 41(b) of the Federal Rules of Civil Procedure. See Olsen v. Mapes, 333 F.3d 1199, 1204 n.3 (10th Cir. 2003)(noting that rule 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”)(internal citation omitted).

IT IS ORDERED that Plaintiff’s Complaint For Violation of Civil Rights (Prisoner Complaint), filed November 14, 2016 (Doc. 1), is dismissed without prejudice and that Final Judgment will be entered.



UNITED STATES DISTRICT JUDGE

Parties:

Robby Armstrong
Farwell, Texas

Plaintiff pro se

Curry County Detention Center

-- and --

Correct Care Solutions

Defendants