

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

JAMES JOSEPH RAMIREZ,

Petitioner,

vs.

No. CV 19-00177 DHU/KRS

WARDEN SANESTEFAN,

Respondent.

MEMORANDUM OPINION AND ORDER

THIS MATTER is before the Court *sua sponte* under Fed. R. Civ. P. 41(b) on the Petition for a Writ of Habeas Corpus under 28 U.S.C. § 2254 by a Person in State Custody filed by James Joseph Ramirez (Doc. 1). The Court will dismiss the Petition without prejudice for failure to comply with a Court order, failure to comply with local rules, and failure to prosecute.

On March 10, 2022, the Court entered a Memorandum Opinion and Order dismissing the Petition and granting Petitioner Ramirez leave to file an amended § 2254 petition within 60 days. (Doc. 6). More than 60 days has elapsed since entry of the Memorandum Opinion and Order and Petitioner Ramirez has not filed an amended Petition, has not responded to the Memorandum Opinion and Order, and has not communicated 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 local rules 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. Petitioner Ramirez has failed to comply with D.N.M. LR-Civ. 83.6, and with the Court's March 10, 2022 Memorandum Opinion and Order (Doc. 6).

Petitioner Ramirez has failed to comply with the Court's order and failed to prosecute this action by not communicating with the Court. The Court may dismiss an action under Fed. R. Civ. P. 41(b) for failure to prosecute, to comply with the rules, or to comply with court orders. *See Olsen v. Mapes*, 333 F.3d 1199, 1204, n. 3 (10th Cir. 2003). Therefore, the Court will dismiss this civil proceeding pursuant to Rule 41(b) for failure to comply with the Court's March 10, 2022 Memorandum Opinion and Order, failure to comply with D.N.M. LR-Civ. 83.6, and failure to prosecute this proceeding.

IT IS ORDERED that the Petition for a Writ of Habeas Corpus under 28 U.S.C. § 2254 by a Person in State Custody filed by James Joseph Ramirez (Doc. 1) is **DISMISSED** without prejudice under Fed. R. Civ. P. 41(b) for failure to comply with the Court's Memorandum Opinion and Order, failure to comply with the local rules, and failure to prosecute.



UNITED STATES DISTRICT JUDGE