

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION
CIVIL CASE NO. 5:22-cv-00083-MR**

VON LEE MCCLAMROCK,)	
)	
Plaintiff,)	
)	
vs.)	
)	
IREDELL COUNTY JAIL,)	<u>ORDER</u>
)	
Defendant.)	
_____)	

THIS MATTER is before the Court *sua sponte*.

The pro se Plaintiff filed this civil rights action in the U.S. District Court for the Middle District of North Carolina. [Docs. 5-6]. That Court temporarily granted the Plaintiff’s Application for leave to proceed *in forma pauperis* solely for the purpose of recommending that the action be transferred to this Court, and transferred the case on June 22, 2022. [Docs. 3, 6]. On July 5, 2022, this Court denied the IFP Application and ordered the Plaintiff to pay the filing fee or to file an Amended IFP Application within 14 days. [Doc. 9]. The Plaintiff was cautioned that, “if [he] fails to timely comply with this Order, this action will be dismissed without prejudice and without further notice.” [Id. at 3-4].

The Plaintiff has failed to file an Amended IFP Application or pay the filing fee, and the time to do so has expired. The Plaintiff appears to have abandoned this action, and the Court is unable to proceed. This case will therefore be dismissed without prejudice. See Fed. R. Civ. P. 41(b) (“If the plaintiff fails to prosecute or to comply with these rules or a court order, a defendant may move to dismiss the action or any claim against it.”); Link v. Wabash R.R. Co., 370 U.S. 626, 630-33 (1962) (although Rule 41(b) does not expressly provide for *sua sponte* dismissal, Rule 41(b) does not imply any such restriction and a court has the inherent power to dismiss a case for lack of prosecution or violation of a court order).

IT IS, THEREFORE, ORDERED that this action is **DISMISSED WITHOUT PREJUDICE**.

IT IS FURTHER ORDERED that the Clerk of Court is directed to terminate this action.

IT IS SO ORDERED.

Signed: July 29, 2022



Martin Reidinger
Chief United States District Judge

