

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

RONALD CHAPPELL,
Plaintiff,

vs.

LT. D. LEWIS, et. al.,
Defendants.

Case No. 1:16-cv-659

Dlott, J.
Bowman, M.J.

**REPORT AND
RECOMMENDATION**

On June 17, 2016, plaintiff initiated this prisoner civil rights action under 42 U.S.C. § 1983. (Doc. 1). On August 8, 2016, the Court denied petitioner's motion for leave to proceed *in forma pauperis* on the ground that plaintiff is precluded from proceeding without prepayment of fees pursuant to 28 U.S.C. § 1915(g). (See Docs. 4, 8, 14). Plaintiff was ordered to pay the full \$400 dollar filing fee or this action would be dismissed for want of prosecution. (See Doc. 14, 16). Plaintiff subsequently filed a notice of appeal to the Sixth Circuit Court of Appeals. (See Doc. 17). However, on June 22, 2017, plaintiff's appeal was dismissed for want of prosecution. (Doc. 19).

On July 14, 2017, the undersigned issued an Order that plaintiff pay the full filing fee required to commence this action within thirty (30) days. (Doc. 20). Plaintiff was advised that "failure to pay the full \$400 fee within thirty days will result in the dismissal of this action." (*Id.* at PageID 77).

To date, more than thirty (30) days after the Court's July 14, 2017 Order, plaintiff has failed to comply with or respond to the Order.

"District courts have the inherent power to *sua sponte* dismiss civil actions for want of prosecution to manage their own affairs so as to achieve the orderly and expeditious disposition of cases." *Link v. Wabash R.R.*, 370 U.S. 626, 630–631 (1962). *See also Jourdan v. Jabe*, 951

F.2d 108, 109 (6th Cir. 1991). Failure of a party to respond to an order of the court warrants invocation of the Court's inherent power. *See* Fed. R. Civ. P. 41(b). Accordingly, this case should be dismissed for plaintiff's failure to comply with the Court's July 14, 2017 Order. *In re Alea*, 286 F.3d 378, 382 (6th Cir. 2002).

It is therefore **RECOMMENDED** that this matter be **DISMISSED** for lack of prosecution.

IT IS SO RECOMMENDED.

s/ Stephanie K. Bowman
Stephanie K. Bowman
United States Magistrate Judge

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NOTICE

Pursuant to Fed. R. Civ. P. 72(b), **WITHIN 14 DAYS** after being served with a copy of the recommended disposition, a party may serve and file specific written objections to the proposed findings and recommendations. This period may be extended further by the Court on timely motion for an extension. Such objections shall specify the portions of the Report objected to and shall be accompanied by a memorandum of law in support of the objections. If the Report and Recommendation is based in whole or in part upon matters occurring on the record at an oral hearing, the objecting party shall promptly arrange for the transcription of the record, or such portions of it as all parties may agree upon, or the Magistrate Judge deems sufficient, unless the assigned District Judge otherwise directs. A party may respond to another party's objections **WITHIN 14 DAYS** after being served with a copy thereof. Failure to make objections in accordance with this procedure may forfeit rights on appeal. *See Thomas v. Arn*, 474 U.S. 140 (1985); *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981).