

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

JOEL DRAIN,  
Plaintiff,

vs.

OHIO DEPARTMENT OF REHABILITATION  
AND CORRECTION, *et al.*,  
Defendants.

Case No. 1:17-cv-354

Barrett, J.  
Litkovitz, M.J.

**REPORT AND  
RECOMMENDATION**

On May 24, 2017, plaintiff initiated this prisoner civil rights action brought pursuant to 42 U.S.C. § 1983. (*See* Doc. 1).

On June 12, 2017, the Court issued an Order and Report and Recommendation. (Doc. 5). Plaintiff was ordered to submit a copy of his complaint, a summons form, and a United States Marshal form for defendants Mr. Chuck Smith, Mrs. Salyers, “Dr. Rogers (Mental Health)” and “Medical Director Mrs. Clagg” **within thirty (30) days**. Plaintiff was further advised that “failure to comply with this Order may result in the dismissal of this action for want of prosecution.” (*Id.* at PageID 36).

To date, more than thirty (30) days after the Court’s June 12, 2017 Order, plaintiff has failed to comply with or respond to the Order.

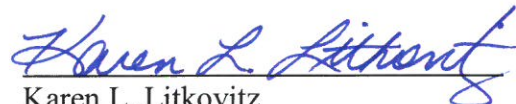
“District courts have the inherent power to sua sponte dismiss civil actions for want of prosecution to manage their own affairs so as to achieve the orderly and expeditious disposition of cases.” *Link v. Wabash R.R.*, 370 U.S. 626, 630–631 (1962). *See also Jourdan v. Jabe*, 951 F.2d 108, 109 (6th 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 June 12, 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.**

Date: 7/20/17

  
Karen L. Litkovitz  
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).