

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

STARLETTE RUFF, : Case No. 2:22-cv-3439  
Plaintiff, :  
vs. : District Judge Edmund A. Sargus, Jr.  
OHIO REFORMATORY FOR WOMEN, : Magistrate Judge Peter B. Silvain, Jr.  
Defendant. :  
:

## REPORT AND RECOMMENDATION

On September 16, 2022, plaintiff, a prisoner at the Ohio Reformatory for Women, filed a motion for leave to proceed *in forma pauperis* in this Court. (Doc. 1). On September 20, 2022, because plaintiff failed to file a complaint and her motion for leave to proceed *in forma pauperis* is incomplete, the Court issued a Deficiency Order requiring plaintiff to submit a complaint and pay the filing fee or submit a complete *in forma pauperis* application within thirty (30) days. (See Doc. 2). Plaintiff was advised that “[i]f plaintiff fails to comply with this Order, the Court shall dismiss this case for want of prosecution.” (*Id.* at PageID 42).

The Deficiency Order was returned to the Court on September 26, 2022, for failure to include an inmate number. (Doc. 4). On September 29, 2022, the Clerk of Court resent the Deficiency Order, however it was again returned, marked “last name does not match.” (Doc. 6). On October 5, 2022, noting that plaintiff’s name according to the Ohio Department of Rehabilitation and Correction records is Starlette S. Bartrez, the Clerk of Court resent the Deficiency Order to plaintiff. (See Doc. 5).

To date, more than thirty (30) days after the October 5, 2022 mailing, plaintiff has failed

to comply with the Deficiency 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).

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

November 17, 2022

*s/Peter B. Silvain, Jr.*

Peter B. Silvain, Jr.  
United States Magistrate Judge

## NOTICE REGARDING OBJECTIONS

Pursuant to Fed. R. Civ. P. 72(b), any party may serve and file specific, written objections to this Report & Recommendation (“R&R”) within **FOURTEEN (14) DAYS** after being served with a copy thereof. That period may be extended further by the Court on timely motion by either side for an extension of time. All objections shall specify the portion(s) of the R&R objected to, and shall be accompanied by a memorandum of law in support of the objections. A party shall respond to an opponent’s objections within **FOURTEEN DAYS** after being served with a copy of those objections. 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).