

IN THE UNITED STATES DISTRICT COURT FOR
THE WESTERN DISTRICT OF OKLAHOMA

BOBBY BOYD,)
)
Plaintiff,)
)
vs.) No. CIV-16-708-W
)
BERNALILLO COUNTY DETENTION)
CENTER,)
)
Defendant.)

ORDER

On August 1, 2016, United States Magistrate Judge Gary M. Purcell issued a Report and Recommendation in this matter and recommended that it be dismissed without prejudice. Plaintiff Bobby Boyd, a pretrial detainee currently incarcerated in Bernalillo County Metropolitan Detention Center, in Albuquerque, New Mexico, had been directed by Magistrate Judge Purcell by Order dated July 11, 2016, either to submit an application seeking leave to proceed in forma pauperis¹ or to pay the requisite filing fee of \$400.00. See Doc. 5 at 1. Boyd was advised that his failure to do by a date certain would result in a recommendation by Magistrate Judge Purcell that this action be dismissed without prejudice. See id. at 2.

While the Court has received correspondence from Boyd, see Docs. 9, 10, it has received no paper wherein Boyd has objected to the Report and Recommendation² or has explained why he has not submitted an in forma pauperis application. Boyd has likewise

¹The Clerk of the Court, at Magistrate Judge Purcell's direction, mailed Boyd a copy of an application to proceed in forma pauperis. See Doc. 5 at 1-2.

²Boyd was advised of his right to object, see Doc. 8 at 2, and of the consequences of his failure to do so. See id. at 2-3.

not paid the filing fee, sought an extension of time to do or shown good cause for his failure to obey Magistrate Judge Purcell's directives and cure the deficiencies found by Magistrate Judge Purcell in Boyd's initial documents.

Every court has the inherent power in the exercise of sound discretion to dismiss a cause for want of prosecution. E.g., Link v. Wabash Railroad, 370 U.S. 626 (1962) (inherent power vested in courts to manage own affairs so as to achieve orderly and expeditious disposition of cases). Boyd's failure to comply with Magistrate Judge Purcell's Order, coupled with the Court's inherent power to control its case load, warrants dismissal of this action without prejudice. See Nasious v. Two Unknown B.I.C.E. Agents, 492 F.3d 1158, 1161 n.2 (10th Cir. 2007)(court may sua sponte dismiss case for failure to comply with court's order); Reed v. Bennett, 312 F.3d 1190, 1195 (10th Cir. 2002)(court has discretion to sanction party for failing to prosecute or to comply with local or federal procedural rules); Rule 41(b), F.R.Civ.P. (court may dismiss action if plaintiff fails to comply with court order).

Accordingly, the Court concurs with Magistrate Judge Purcell's suggested disposition of this matter and, in its discretion,

- (1) ADOPTS the Report and Recommendation [Doc. 8] filed on August 1, 2016;
- (2) DISMISSES this action without prejudice; and
- (3) because this case is dismissed, ADVISES Boyd that any papers hereafter submitted will not be filed in this action,³

(a) unless such papers specifically address Boyd's failure

³Boyd is ADVISED that such papers will be returned to him by the Clerk of the Court.

(i) to comply with Magistrate Judge Purcell's Order, or

(ii) to timely pay the filing fee; or

(b) unless such papers are necessary to lodge and perfect an appeal of the instant Order.

ENTERED this 7th day of September, 2016.

A handwritten signature in cursive script, appearing to read "Lee R. West", written over a horizontal line.

LEE R. WEST
UNITED STATES DISTRICT JUDGE