

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
at CHATTANOOGA

## **MEMORANDUM**

Plaintiff Willie A. Jackson (“Jackson”) filed a *pro se* civil rights complaint pursuant to 42 U.S.C. § 1983 (Court File No. 3) and a motion to proceed *in forma pauperis* (Court File No. 1). On October 14, 2008, the Court issued an order directing the Clerk to send Jackson another *in forma pauperis* application since he was no longer a prisoner. Further, the Court ordered Jackson to complete the application to proceed *in forma pauperis* and return it to the District Court Clerk within thirty (30) days from the date of the order (Court File No. 5). Jackson was forewarned that failure to comply with the Court’s Order within the time required would result in the dismissal of this action without further notice from the Court.

Jackson has not responded to the Court's October 14, 2008 Order. Jackson's failure to timely respond to the Court's Order results in a finding by the Court that Jackson has failed to comply with its Order. Consequently, the Court will dismiss Jackson's complaint for noncompliance with its Order and failure to prosecute.

Rule 41(b) of the Federal Rules of Civil Procedure allows a court to dismiss an action *sua sponte* for failure to prosecute or for failure to comply with the federal rules or any court order.

This authority is based on the Court's inherent authority to control its docket and prevent undue delays in the disposition of pending cases.

Therefore, this action will be **DISMISSED** for Jackson's failure to prosecute and to comply with the orders of this Court. Fed. R. Civ. P. 41(b); *Jourdan v. Jabe*, 951 F.2d 108 (6th Cir. 1991). In addition, Jackson's application to proceed *in forma pauperis* which he filed while incarcerated is **DENIED** (Court File No. 1).

A judgment will enter.

/s/

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**CURTIS L. COLLIER**  
**CHIEF UNITED STATES DISTRICT JUDGE**