

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT WINCHESTER

CHARLES DALTON,

)

)

Plaintiff,

)

v.

)

No. 4:08-cv-51

)

Mattice

MIKE PITTS,

)

)

Defendant.

)

MEMORANDUM

In this *pro se* prisoner's civil rights action, the plaintiff was ordered to show cause why this action should not be dismissed for failure to prosecute and to comply with the orders of this court. [Court File No. 24]. The plaintiff has failed to respond to the court's order within the time required. Accordingly, this action will be **DISMISSED WITH PREJUDICE** for failure to prosecute and to comply with the orders of the court. Rule 41(b) of the Federal Rules of Civil Procedure. *See Jourdan v. Jabe*, 951 F.2d 108 (6th Cir. 1991); *Carver v. Bunch*, 946 F.2d 451 (6th Cir. 1991). The court will **CERTIFY** that any appeal from this action would not be taken in good faith and would be totally frivolous. *See* Rule 24 of the Federal Rules of Appellate Procedure.

AN APPROPRIATE ORDER WILL ENTER.

/s/Harry S. Mattice, Jr.

HARRY S. MATTICE, JR.

UNITED STATES DISTRICT JUDGE