

United States District Court
Southern District of Texas

ENTERED

November 29, 2017

David J. Bradley, Clerk

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
GALVESTON DIVISION

SCOTT HESS,

Plaintiff,

VS.

FONG,

Defendant.

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CIVIL ACTION NO. 3:15-CV-13

ORDER OF DISMISSAL

The plaintiff, Scott Hess, has filed a complaint under 42 U.S.C. § 1983 claiming that the defendant, Mr. Fong, a physician’s assistant, provided him with Constitutionally deficient medical treatment (Dkt. 1). Hess has also provided a more definite statement of his claims (Dkt. 11). However, Hess has failed to state a cognizable claim. The Court issued a show cause order in which it ordered Hess to state his claims in more detail (Dkt. 19). Hess never responded and has not otherwise contacted the Court.

A court may dismiss an action *sua sponte* for failure to prosecute or for failure to comply with any court order. *Larson v. Scott*, 157 F.3d 1030, 1031–32 (5th Cir. 1998). “This authority flows from the Court’s inherent power to control its docket and prevent undue delays in the disposition of pending cases.” *Boudwin v. Graystone Ins. Co., Ltd.*, 756 F.2d 399, 401 (5th Cir. 1985) (citing *Link v. Wabash Railroad Co.*, 370 U.S. 626

(1962)). Hess has not complied with the Court's show cause order, and he has not shown any desire to continue pursuing this case.

Based on the foregoing, the Court **ORDERS** as follows:

1. This case is **DISMISSED WITHOUT PREJUDICE** for failure to prosecute and for failure to comply with the Court's order to show cause.
2. Any pending motions are **DENIED** as moot.

This is a **FINAL JUDGMENT**.

The Clerk is directed to provide a copy of this order to the parties.

SIGNED at Galveston, Texas on November 28, 2017.



GEORGE C. HANKS, JR.
UNITED STATES DISTRICT JUDGE