

United States District Court
Southern District of Texas

ENTERED

October 13, 2017

David J. Bradley, Clerk

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

ROBERT ILKENHANS,

Plaintiff,

VS.

DR. RORY CARMICHAEL, *et al.*,

Defendants.

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CIVIL ACTION NO. 3:16-CV-71

ORDER OF DISMISSAL

The plaintiff, Robert Ilkenhans, has filed a complaint under 42 U.S.C. § 1983 claiming that the defendants provided him with Constitutionally deficient medical treatment (Dkt. 1). However, Ilkenhans has failed to state a cognizable claim. The Court ordered Ilkenhans to show cause why this case should not be dismissed for failure to state a claim (Dkt. 7); Ilkenhans did not respond, and the Court's show cause order was returned marked as undeliverable (Dkt. 8). Ilkenhans does not appear on the Texas Department of Criminal Justice website, and it appears that he has been released. Ilkenhans has never written to the Court with news of any impending release or address change.

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)). Ilkenhans has not complied with the Court's order to show cause, 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 requiring the plaintiff to show cause why this case should not be dismissed for failure to state a claim.
2. Any pending motions are **DENIED** as moot.

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

SIGNED at Galveston, Texas on October 13, 2017.



GEORGE C. HANKS, JR.
UNITED STATES DISTRICT JUDGE