

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

JUSTIN TAYLOR,

Plaintiff,

VS.

THE UNIVERSITY OF TEXAS
MEDICAL BRANCH,

Defendant.

§
§
§
§
§
§
§
§
§
§

CIVIL ACTION NO. 3:16-CV-324

ORDER OF DISMISSAL

The plaintiff in this prisoner civil rights case, Justin Taylor (TDCJ # 02057726), has been released from TDCJ custody. The only named defendant is the University of Texas Medical Branch (“UTMB”), which is immune from suit. *Lewis v. University of Texas Medical Branch at Galveston*, 665 F.3d 625, 630 (5th Cir. 2011). The Court ordered Taylor to file an amended application to proceed *in forma pauperis* (“IFP”) reflecting his current income and expenses and an amended complaint naming additional defendants (Dkt. 9). Taylor never responded.

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)). Taylor has not complied with the Court’s order requiring him to provide the

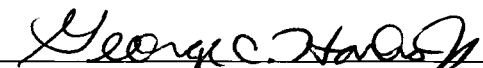
financial information necessary to evaluate his application to proceed IFP, and he may not pursue this case without either paying the filing fee or establishing his entitlement to proceed IFP. Moreover, the only defendant that Taylor has sued is shielded by sovereign immunity, and Taylor has not complied with the Court's order requiring him to name additional defendants and flesh out his allegations.

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 orders requiring the plaintiff to file a proper application to proceed IFP and an amended complaint.
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