

United States District Court
Southern District of Texas

ENTERED

January 18, 2018

David J. Bradley, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
GALVESTON DIVISION

CALVIN MCCOLLUM,
TDCJ #01988652,

Petitioner,

VS.

LORIE DAVIS, Director, Texas
Department of Criminal Justice,
Correctional Institutions Division,

Respondent.

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CIVIL ACTION NO. 3:17-CV-7

ORDER OF DISMISSAL

Petitioner Calvin McCollum (TDCJ #01988652) has filed a petition for a writ of habeas corpus challenging a Texas state court conviction. The Court ordered McCollum to either pay the filing fee or file an application for leave to proceed *in forma pauperis* (“IFP”) (Dkt. 8). McCollum has not 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)). McCollum has not complied with the Court’s order to either pay the filing fee or file an IFP application, 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 either pay the filing fee or file an IFP application.
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 January 18, 2018.



GEORGE C. HANKS, JR.
UNITED STATES DISTRICT JUDGE