

United States District Court
Southern District of Texas

ENTERED

March 23, 2018

David J. Bradley, Clerk

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

JOHNATHAN FRANKLIN,

Plaintiff,

VS.

WARDEN LARRY G. DOYLE, *et al.*,

Defendants.

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CIVIL ACTION NO. 3:17-CV-69

ORDER OF DISMISSAL

On January 28, 2018, the Court concluded that the prisoner civil rights complaint filed by the plaintiff, Johnathan Franklin (TDCJ #1550282), failed to state a claim upon which relief could be granted and ordered Franklin to file an amended complaint within thirty days (Dkt. 20). The Court provided Franklin with an approved civil rights complaint form for use in filing an amended complaint (Dkt. 20-1). To date, however, Franklin has not filed an amended complaint as directed and his time to do so has expired. Franklin has not otherwise attempted to comply.

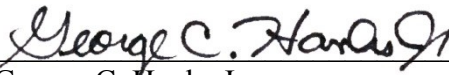
Franklin's failure to pursue this action forces the Court to conclude that he lacks due diligence. Therefore, under the inherent powers necessarily vested in a district court to manage its own affairs, this Court determines that dismissal for want of prosecution is appropriate. *See* Fed. R. Civ. P. 41(b); *see also* *Larson v. Scott*, 157 F.3d 1030 (5th Cir. 1998) (noting that a district court may dismiss an action *sua sponte* for failure to prosecute or to comply with any court order). Franklin is advised that relief may be

granted from this determination under Rule 60(b) of the Federal Rules of Civil Procedure only upon a showing of good cause.

Accordingly, it is **ORDERED** that the prisoner civil rights case filed by Johnathan Franklin is **DISMISSED** without prejudice for failure to comply with court orders.

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

SIGNED at Galveston, Texas, this 23rd day of March, 2018.



George C. Hanks Jr.
United States District Judge