

United States District Court
Southern District of Texas

ENTERED

May 31, 2018

David J. Bradley, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
GALVESTON DIVISION

NELSON L KING,
TDCJ #01940952,

Plaintiff,

VS.

JAMES COLLIER, *et al*,

Defendants.

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CIVIL ACTION NO. 3:17-CV-0126

ORDER OF DISMISSAL WITHOUT PREJUDICE

Nelson King (TDCJ #01940952) has brought an action under 42 U.S.C. § 1983, the Americans with Disabilities Act, and the Rehabilitation Act, alleging that the defendants have violated his constitutional and statutory rights by refusing to house him in dormitories at the Darrington Unit because of his mental illness (Dkt. 1 at 7–8). King proceeds *pro se* and has been granted leave to proceed *in forma pauperis*.

King’s claim centers on his dissatisfaction with his housing placement at the Darrington Unit (Dkt. 1 at 6-7). In his notice of change of address, King reports that he has been moved from the Darrington Unit (Dkt. 22). On April 12, 2018, because King has been transferred to another unit, the Court dismissed all of his claims for injunctive relief regarding the Darrington Unit as moot and ordered King to show cause within 40 days regarding why the rest of his claims were not also rendered moot by the transfer (Dkt. 24). To date, King has not responded to the Court’s Order to Show Cause or otherwise indicated that he intends to continue prosecuting this case. He also has not

filed a response to Defendants' motion for summary judgment as directed in the Court's April 12, 2018 Order.

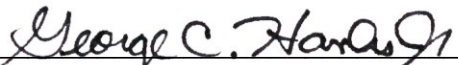
A court may dismiss an action *sua sponte* for failure to prosecute or for failure to comply with any court order. *Larson v. Scott*, 157 F.3d 1030, 1031–32 (5th Cir. 1998). “This authority flows from the Court’s inherent power to control its docket and prevent undue delays in the disposition of pending 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)). King has not complied with the Court’s Order to Show Cause and does not otherwise show that this case is not moot. 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 (Dkt. 24).
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, this 31st day of May, 2018.



George C. Hanks Jr.
United States District Judge