

United States District Court
Southern District of Texas

ENTERED

June 26, 2019

David J. Bradley, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
GALVESTON DIVISION

JAMES RAMONE DANIELS,

Plaintiff,

vs.

GALVESTON COUNTY JAIL,

Defendant.

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CIVIL ACTION NO. 3:17-0246

MEMORANDUM OPINION AND ORDER

Plaintiff James Ramone Daniels, who proceeds *pro se* and *in forma pauperis*, filed this civil rights action alleging that delayed medical care for his broken hand while he was incarcerated at the Galveston County Jail. Defendant Kathy White filed a motion to dismiss (Dkt. 21), to which Plaintiff has not filed a timely response.

Defendant recently notified the Court, and publicly available records confirm, that Daniels is no longer incarcerated at the Galveston County Jail (Dkt. 22; *see* Galveston County Consortium Inmate Inquiry, available at <http://p2c.co.galveston.tx.us/jailinmates.aspx> (last visited June 25, 2019)). Daniels has not provided the Court with an updated address, as previously instructed by the Court (Dkt. 11, at 3).

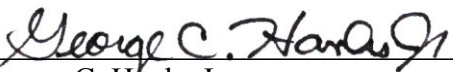
Daniels' failure to pursue this action leads the Court to conclude that he lacks due diligence. Under the inherent powers necessarily vested in a district court to manage its own affairs, the Court determines that dismissal for want of prosecution is appropriate. *See* FED. R. CIV. P. 41(b); *Gates v. Strain*, 885 F.3d 874 (5th Cir. 2018); *Nottingham v. Warden, Bill Clements Unit*, 837 F.3d 438, 440-41 (5th Cir. 2016) (a district court may

dismiss an action *sua sponte* for failure to prosecute an action or to comply with court orders). Daniels is advised, however, that relief from this order may be granted upon a proper showing in accordance with Rule 60(b) of the Federal Rules of Civil Procedure.

The Court **ORDERS** that this case is **DISMISSED without prejudice**.

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

SIGNED at Galveston, Texas, this 26th day of June, 2019.



George C. Hanks Jr.
United States District Judge