UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
GALVESTON DIVISION

ALBERT NICOLAS,	§	
	§	
Plaintiff,	§	
VS.	§	CIVIL ACTION NO. 3:17-CV-277
	§	
STEVEN RICHARD, *et al.*,	§	
	§	
Defendants.	§	
	§	
	§	
	§	

ORDER OF DISMISSAL

The plaintiff, Albert Nicolas (TDCJ #00635504), filed a lawsuit under 42 U.S.C. § 1983 in the Eastern District of Texas. *See* Eastern District of Texas Case Number 1:08-CV-630. Nicolas's original complaint alleged that, while he was incarcerated in the Hightower Unit, his Constitutional rights were violated by officials who initiated groundless disciplinary cases against him. *See* Eastern District of Texas Case Number 1:08-CV-630 at Dkt. 1. Eight years after filing his original complaint, Nicolas filed an amended complaint asserting claims that two officials at the Terrell Unit denied him access to the courts (Dkt. 95). Judge Gilbin allowed the amendment but severed the Terrell Unit claims and transferred them here (Dkt. 118). This Court ordered Nicolas to either pay a filing fee or obtain leave to proceed *in forma pauperis* (Dkt. 120). Nicolas has not responded, and the Court's order was returned as undeliverable (Dkt. 121). Nicolas has been released from prison; he did not leave a forwarding address, and he has not provided this Court with his new address.

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)). Nicolas 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 23, 2018.

George C. Hanks, Jr.

GEORGE C. HANKS, JR.
UNITED STATES DISTRICT JUDGE