

United States District Court
Southern District of Texas

ENTERED

March 12, 2018

David J. Bradley, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

RONNEY EARL WILLIAMS,

Plaintiff,

VS.

BUSTO, *et al*,

Defendants.

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CIVIL ACTION NO. 4:16-CV-1777

ORDER OF DISMISSAL

Ronney Earl Williams filed this prisoner civil rights case on June 20, 2016. On January 22, 2018, this Court entered an order to show cause, noting that Williams had not filed anything in the case since his original complaint and motion for leave to proceed *in forma pauperis*. The order specifically noted that “[m]ore than a year and a half has passed with no effort to advance the case”, and ordered him to show cause within 30 days why the case should not be dismissed for failure to prosecute. Williams has not responded to the order.

A district court may *sua sponte* dismiss a lawsuit for failure to prosecute pursuant to Federal Rule of Civil Procedure 41(b). *Berry v. CIGNA/RSI-CIGNA*, 975 F.2d 1188, 1190 (5th Cir.1992). “This authority is based on the ‘courts’ power to manage and administer their own affairs to ensure the orderly and expeditious disposition of cases.” *Id.* at 1190–91 (quoting *Link v. Wabash R.R. Co.*, 370 U.S. 626, 630–31 (1962)).

Plaintiff’s failure to comply with the order to show cause, along with his lack of activity during the nearly two years that this case has been pending, forces the Court to conclude that he lacks diligence in prosecuting this action. Therefore, under the Court’s inherent power to manage its docket, this Court concludes that dismissal for want of prosecution is appropriate. The plaintiff is advised, however, that relief from this Order may be obtained under Federal Rule

of Civil Procedure 60(b) upon a proper showing. Accordingly, it is ORDERED that this action is DISMISSED WITHOUT PREJUDICE for want of prosecution.

The clerk shall provide a copy of this Order to the parties.

It is so ORDERED.

SIGNED on this 12th day of March, 2018.

A handwritten signature in black ink, appearing to read "Kenneth M. Hoyt", written over a horizontal line.

Kenneth M. Hoyt
United States District Judge