

United States District Court  
Southern District of Texas

**ENTERED**

January 13, 2017

David J. Bradley, Clerk

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

MELVIN SMITH,  
(TDCJ-CID #2004066)

Plaintiff,

vs.

BRAD LIVINGSTON, et al.,

Defendants.

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CIVIL ACTION H-16-2603

**MEMORANDUM ON DISMISSAL**

The plaintiff has not responded to this court’s order entered December 2, 2016, which required him to submit within thirty days a more definite statement of the facts on which his complaint is based. (Docket Entry No. 9). The court’s order specifically provided that “[f]ailure to comply as directed may result in the dismissal of this action.” With regard to this court’s Order for More Definite Statement, the court must have clear answers to each of its questions before it can evaluate the merits of the plaintiff’s claims. The plaintiff’s failure to comply with this court’s order forces this court to conclude that he lacks due diligence.

Under the inherent powers necessarily vested in a court to manage its own affairs, this court determines that dismissal for want of prosecution is appropriate. *See* FED. R. CIV. P. 41(b); *Link v. Wabash R.R.*, 370 U.S. 626 (1962); *Woodson v. Surgitek, Inc.*, 57 F.3d 1406, 1417 (5th Cir. 1995); 8 J. MOORE ET AL., MOORE’S FEDERAL PRACTICE § 41.51(3)(b) & (e) (3d ed. 2010). Upon a proper showing, relief from this order may be granted in accordance with FED. R. CIV. P. 60(b). *See Link*, 370 U.S. at 635.

This action is DISMISSED without prejudice for want of prosecution.

SIGNED at Houston, Texas, on JAN 13 2017.



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VANESSA D. GILMORE  
UNITED STATES DISTRICT JUDGE