

ENTERED

March 12, 2018

David J. Bradley, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

ARNOLD DARRELL MORGAN JR,	§	
	§	
Plaintiff,	§	
VS.	§	CIVIL ACTION NO. 4:17-CV-3857
	§	
DIRECTOR OF TDCJ, <i>et al</i> ,	§	
	§	
Defendants.	§	

ORDER OF DISMISSAL

Plaintiff Arnold Darrell Morgan, Jr. filed a *pro se* civil rights complaint on December 22, 2017. On January 2, 2018, the Clerk’s office issued a notice of deficient pleading, noting that Morgan failed to pay the filing fee or move for leave to proceed *in forma pauperis*. On January 12, 2018, Morgan filed a motion for leave to proceed *in forma pauperis*, but the motion did not include required documentation showing that he is unable to pay the filing fee. On January 18, 2018, this Court denied the motion, and ordered Morgan to pay the filing fee or file a properly supported motion for leave to proceed *in forma pauperis* within 30 days. Morgan has neither paid the fee nor filed another motion for leave to proceed *in forma pauperis*.

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 of January 18, 2018, 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