

United States District Court
Southern District of Texas

ENTERED

July 31, 2020

David J. Bradley, Clerk

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

DAVID ANTHONY FLEMING,
TDCJ # 02141069,

Plaintiff,

VS.

HUNTSVILLE PAROLE PANEL, *et al.*,

Defendants.

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CIVIL ACTION NO. 4:20-1789

MEMORANDUM OPINION AND ORDER

Plaintiff David Anthony Fleming, an inmate in the Texas Department of Criminal Justice–Correctional Institutions Division (“TDCJ”), proceeds *pro se* and *in forma pauperis*. On June 11, 2020, the Court issued an order for Fleming to submit a more definite statement of his remaining claims. *See* Dkt. 8. The order warned Fleming that failure to submit his more definite statement within 30 days could lead to dismissal under Federal Rule of Civil Procedure 41(b).


Fleming’s deadline for compliance was July 13, 2020. To date, Fleming has not submitted his more definite statement as required. 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). However, relief from this order may be granted

if Fleming makes a proper showing under Rule 60(b) of the Federal Rules of Civil Procedure. At a minimum, a proper showing under Rule 60(b) includes submission of a more definite statement as previously instructed.

The Court orders that Fleming's remaining claims are **DISMISSED without prejudice**. All pending motions, if any, are denied as moot.

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

SIGNED at Houston, Texas, this 31st day of July, 2020.



GEORGE C. HANKS, JR.
UNITED STATES DISTRICT JUDGE