

United States District Court
Southern District of Texas

ENTERED

October 12, 2022

Nathan Ochsner, Clerk

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

JAMES RICHARD BREWER, JR.,
(TDCJ # 02396490)

Plaintiff,

vs.

TROY GUIDRY, Sheriff, *et al.*,

Defendants.

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CIVIL ACTION NO. H-21-4198

MEMORANDUM OPINION DISMISSING CASE

James Richard Brewer, Jr., filed a civil rights action against several jail officials while he was a pretrial detainee in the Waller County Jail. (Docket Entry No. 1). On June 29, 2022, the court issued an order directing Brewer to file a more definite statement of his claims within 30 days. (Docket Entry No. 7). After Brewer filed a notice of change of address with the Clerk, (Docket Entry No. 8), the court mailed a second copy of the order for more definite statement to Brewer at his new address. Brewer was warned that failure to comply as directed would result in a dismissal of this case without further notice pursuant to Rule 41 of the Federal Rules of Civil Procedure. (Docket Entry No. 7, p. 6).

To date, Brewer has not complied as directed, and his time to do so has expired. Brewer’s failure to pursue this action forces the court to conclude that he lacks due diligence. Dismissal for want of prosecution is appropriate. *See* Fed. R. Civ. P. 41(b); *Larson v. Scott*, 157 F.3d 1030, 1031 (5th Cir. 1998) (a district court may dismiss an action on its own for failure to prosecute or to comply with any court order).

Brewer is advised that he may seek relief from this order under Rule 60(b) of the Federal Rules of Civil Procedure if he can show good cause for failing to comply with the court’s order

and local rules. Any motion under Rule 60(b) must be accompanied by a response to the court's June 29, 2022, order.

Brewer's complaint, (Docket Entry No. 1), is dismissed without prejudice for want of prosecution.

SIGNED on October 12, 2022, at Houston, Texas.

A handwritten signature in black ink, reading "Lee H. Rosenthal". The signature is written in a cursive style with a large, looping initial "L".

Lee H. Rosenthal
Chief United States District Judge