

United States District Court
Southern District of Texas

ENTERED

January 08, 2024

Nathan Ochsner, Clerk

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

JEREMY LADON BUSBY,
(TDCJ # 00881193),

Plaintiff,

vs.

LIEUTENANT BAKER, *et al.*,

Defendants.

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CIVIL ACTION NO. H-23-3260

MEMORANDUM OPINION AND ORDER

Jeremy Ladon Busby, (TDCJ #00881193), is an inmate in the custody of the Texas Department of Criminal Justice–Correctional Institutions Division (“TDCJ”). Representing himself and proceeding without prepaying the filing fee, Busby filed a complaint under 42 U.S.C. § 1983, alleging that Lieutenant Baker of TDCJ’s Huntsville Unit and Bobby Lumpkin, Executive Director of TDCJ-CID, violated his constitutional rights by being deliberately indifferent to his serious medical needs. (Docket Entry No. 1). After initial screening under 28 U.S.C. § 1915A, the court ordered Busby to file a more definite statement of his claims. (Docket Entry No. 14). The court warned Busby that failure to timely comply with the court’s order could result in dismissal of his action without further notice under Federal Rule of Civil Procedure 41(b). (*Id.*).

To date, Busby has not responded to the court’s order to file a more definite statement of his claims. His time to do so under the court’s order has expired. Busby’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).

Busby is advised that he may seek relief from this order under Federal Rule of Civil Procedure 60(b) if he can show good cause for failing to comply with the court's order and the local rules. Any motion under Rule 60(b) must be accompanied by his response to the court's order for more definite statement.

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

SIGNED on January 8, 2024, at Houston, Texas.

A handwritten signature in black ink, reading "Lee H. Rosenthal". The signature is written in a cursive style with a large, sweeping flourish at the end.

Lee H. Rosenthal
United States District Judge