

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

DAVID ELIJAH BOWERS, JR.,

Plaintiff,

v.

Case No. 17-cv-805-pp

CHRIS ABELE AND EDWARD A. FLYNN,

Defendants.

**ORDER DISMISSING CASE FOR LACK OF DILIGENCE UNDER CIVIL LOCAL
RULE 41(C)**

On June 7, 2017 plaintiff David Elijah Bowers, Jr. filed a handwritten document captioned “BASIC COMPLAINT FOR THE OFFICE OF HUMAN RIGHT PROTOCOL.” Dkt. No. 1. In this document, the plaintiff alleged that a Milwaukee Police Officer illegally picked him up at a family member’s house and drove him to the Milwaukee County Behavioral Health Division, where he was falsely imprisoned following a “high speed pursuit.” Id. at ¶¶1-2. He argued that this constituted false imprisonment in violation of the “slave clause of the Thirteenth Amendment Right of the United States Constitution.” Id. at ¶2. The plaintiff further alleged that the state employees “constantly burn him, and exercise illegal sexual misconduct within the spirit of the mind from moon satellite.” Id. at ¶3.

On the same day that the plaintiff filed this document, the clerk’s office sent him a letter, directing that, within twenty-one days, the plaintiff either pay

the \$400 filing fee or file a motion to proceed without prepaying the full filing fee. Dkt. No. 2. The post office returned the letter to the clerk's office as undeliverable. To date, the plaintiff has not provided the court with a forwarding address¹, paid the filing fee or filed a request to proceed without prepaying the full filing fee. The plaintiff has filed a number of cases with this court, and is aware of how to file a motion to proceed without paying the filing fee. See Bowers v. Pollard, Case Nos. 07-cv-001-wcg (E.D. Wis.); Bowers v. Husz, Case No. 08-cv-197-wcg (E.D. Wis.); Bowers v. McGinnis, Case No. 08-cv-888-wcg (E.D. Wis.); Bowers v. Pollard, Case No. 09-cv-172-wcg (E.D. Wis.); Bowers v. Nickel, Case No. 09-cv-276 (E.D. Wis.); Bowers v. Bartow, Case No. 15-cv-1197-wcg (E.D. Wis.); Bowers v. Thurmer, Case No. 10-cv-63-jps (E.D. Wis.); Bowers v. Foster, 16-cv-331 (E.D. Wis.); and Bowers v. Lundquist, Case No. 16-cv-1141-la (E.D. Wis.).

At the time the plaintiff filed his document on June 7, 2017, the case was assigned to Magistrate Judge David Jones. On July 10, 2017, the clerk's office reassigned the case to this court, because the plaintiff had not timely filed a consent form. The plaintiff's failure to either pay the filing fee or file a motion to proceed without doing so, his failure to provide a forwarding address, and his failure to timely file the consent for violate the General Local Rules 3(a)(1) and 5(a)(3) and Civil Local Rule 9(b). They also demonstrate that the plaintiff is not diligently prosecuting this case. Civil Local Rule 41(c) provides that a court may

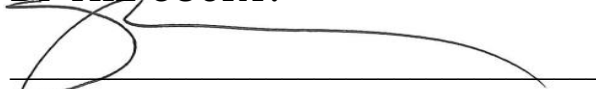
¹ The plaintiff has provided his forwarding address in previous litigation. See Bowers v. Lundquist, Case No. 16-cv-1141-la, dkt. no. 11.

dismiss a case without prejudice if it appears that the plaintiff is not diligently prosecuting it.

The court **ORDERS** that this case is **DISMISSED WITHOUT PREJUDICE** under General Local Rule 41(c). The plaintiff may petition for reinstatement within twenty-one (21) days of the date of this order.

Dated in Milwaukee, Wisconsin this 21st day of July, 2017.

BY THE COURT:

A handwritten signature in black ink, appearing to be 'P. Pepper', written over a horizontal line.

HON. PAMELA PEPPER
United States District Judge