

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

MANUEL RAUL REYO PENA GARCIA MONTERO,

Petitioner,

v.

CASE NO. 05-3049-RDR

SEN. KENNEDY, et al.,

Respondents.

MANUEL RAUL REYO PENA GARCIA MONTERO,

Petitioner,

v.

CASE NO. 05-3111-RDR

GEORGE BUSH, et al.,

Respondents.

MANUEL RAUL REYO PENA GARCIA MONTERO,

Petitioner,

v.

CASE NO. 05-3168-RDR

GEORGE BUSH, et al.,

Respondents.

O R D E R

By its order of April 13, 2005, the court consolidated these petitions for habeas corpus filed pursuant to 28 U.S.C. 2241 and

granted petitioner thirty days to submit the filing fee or a motion for leave to proceed in forma pauperis and to supplement the record with other material and information. Petitioner was advised that the failure to file a timely response might result in the dismissal of this action without prior notice to him, but there has been no response.

The authority of a federal court to dismiss an action sua sponte for lack of prosecution has generally been considered an inherent power arising from the power vested in courts to manage their own affairs to achieve the orderly and expeditious disposition of cases. Link v. Wabash R.R. Co., 370 U.S. 626, 630-31 (1962). Such a dismissal should be imposed only after a careful examination of the record and in the exercise of judicial discretion. DeBardeleben v. Quinlan, 937 F.2d 502, 504 (10th Cir. 1991).

Having considered the record, the court concludes these consolidated matters may be dismissed without prejudice for lack of prosecution. Petitioner not only has failed to submit the filing fee or a motion to proceed in forma pauperis, he has failed to amend the petition to state the specific nature of his claim for relief, and he has failed to respond in any way to the court's order despite the warning that such a failure might result in dismissal.

IT IS THEREFORE ORDERED these consolidated matters are

dismissed without prejudice for lack of prosecution.

A copy of this order shall be transmitted to the petitioner.

IT IS SO ORDERED.

DATED: This 24th day of May, 2005, at Topeka, Kansas.

S/ Richard D. Rogers
RICHARD D. ROGERS
United States District Judge