

**IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF KANSAS**

**PRINCESS J. ANTHONY,**

**Plaintiff,**

**v.**

**Case No. 06-2473-JWL-DJW**

**ASSISTED LIFESTYLES OF KANSAS,  
INC. ET AL.,**

**Defendants.**

**MEMORANDUM AND ORDER**

On July 3, 2007, Magistrate Judge Waxse issued an Order to Show Cause to plaintiff directing her to show cause by July 16, 2007, why this case should not be dismissed with prejudice due to her failure to comply with the court's order directing her to provide the court with a telephone number where she could be reached for a telephone status conference prior to 11:00a.m. on July 2, 2007. The time for filing a response to the Order to Show Cause passed with no response from plaintiff. This court, then, provided plaintiff with another opportunity to explain why she failed to comply with Magistrate Judge Waxse's order concerning the telephone status conference and, in addition, why she failed to respond to the show cause order issued by Magistrate Judge Waxse. The court specifically advised plaintiff that her failure to respond to the court's show cause order would result in the dismissal of her claims without further notice. More than one week has now passed since the show cause deadline and plaintiff has not contacted the court in any way regarding her case. Based on plaintiff's failure to respond to

these two show cause orders, the court concludes that plaintiff's complaint should be dismissed, without prejudice to refiling, for failure to prosecute. *See* Fed. R. Civ. P. 41(b); *Nasious v. Two Unknown B.I.C.E. Agents*, \_\_\_ F.3d \_\_\_, 2007 WL 1895877, at \*2 (10th Cir. July 3, 2007) (district court may dismiss a case without prejudice under Rule 41(b) "without attention to any particular procedures").

**IT IS THEREFORE ORDERED BY THE COURT** that plaintiff's complaint is dismissed without prejudice.

Dated this 14<sup>th</sup> day of August, 2007, at Kansas City, Kansas.

s/ John W. Lungstrum  
John W. Lungstrum  
United States District Judge