IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

JAMES PRESTON SMITH,

Petitioner,

v. **CASE NO. 06-3004-RDR**

UNITED STATES, et al.,

Respondents.

O R D E R

By an order entered on January 11, 2006, the court issued an order liberally construing this matter as a civil rights action. The court directed the clerk of the court to transmit to the petitioner a form pleading for filing a civil rights action and directed him to complete and return the form by January 30, 2006. Petitioner was advised that the failure to file a timely response might result in the dismissal of this action without additional prior notice. There has been no response, and the court concludes this matter may be dismissed for lack of prosecution pursuant to Rule 41(b) of the Federal Rules of Civil Procedure. See Gripe v. City of Enid, 312 F.3d 1184, 1188 (10th Cir. 2002)(discussing involuntary dismissal under Rule 41(b)).

IT IS, THEREFORE, BY THE COURT ORDERED this matter is dismissed due to petitioner's failure to respond to the court's

order of January 22, 2006.

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

IT IS SO ORDERED.

DATED: This 13th day of February, 2006, at Topeka, Kansas.

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