

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

JOSHUA D. LIVINGSTON,

Plaintiff,

v.

CASE NO. 07-3256-SAC

CORRECT CARE SOLUTIONS,
et al.,

Defendants.

O R D E R

On April 17, 2008, this court issued an order giving plaintiff twenty days in which to submit sufficient information regarding "the remaining defendants," which would allow service of process upon them. The time for response to the court's Order has expired, and plaintiff has filed nothing with the court.

It is the duty of a plaintiff who has filed a pro se action to comply with the Court's orders in a timely fashion. Plaintiff also has the general duty to prosecute his case. The district court can, under Rule 41(b) of the Federal Rules of Civil Procedure, dismiss an action because the plaintiff fails to comply with a court order and for failure to prosecute¹. Plaintiff's

¹ FRCP Rule 41(b) provides that "[i]f the plaintiff fails to prosecute or to comply with these rules or a court order, a defendant may move to dismiss the action" In Link v. Wabash Railroad Co., 370 U.S. 626, 629-31 (1962), the Supreme Court recognized that a federal district court has the inherent power to dismiss a case sua sponte for failure to prosecute, even though the language of Rule 41(b) appears to require a motion from a party. Moreover, in appropriate circumstances, the Court may dismiss a complaint for failure to prosecute without notice or hearing. Id. at 633.

failure to respond to the order of the court entered April 17, 2008, constitutes failure to prosecute. The court concludes plaintiff must show cause why this action should not be dismissed for failure to prosecute.

IT IS THEREFORE ORDERED that plaintiff is granted twenty (20) days in which to show cause why this action should not be dismissed for failure to prosecute. If plaintiff fails to respond to this Order within the time allotted, this action will be dismissed without further notice.

IT IS SO ORDERED.

Dated this 13th day of June, 2008, at Topeka, Kansas.

s/Sam A. Crow
U. S. Senior District Judge