

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS

LAKESHIA MARIE RAY,

Plaintiff,

vs.

CIVIL ACTION  
No. 11-3067-SAC

(FNU) SALES, et al.,

Defendants.

MEMORANDUM AND ORDER

This matter is a civil rights complaint filed pursuant to 42 U.S.C. § 1983 by a person incarcerated in the Shawnee County Jail, Topeka, Kansas.

By a Memorandum and Order entered on April 14, 2011, the court directed plaintiff to supply the court on or before May 15, 2011, with certified financial records to support her motion for leave to proceed in forma pauperis and directed her to supplement the complaint as set forth in the order. Plaintiff was advised the failure to file a timely response might result in the dismissal of this matter without prejudice and without additional prior notice. Plaintiff has not filed a response.

A federal court has the inherent power to act sua sponte to dismiss an action for failure to prosecute. *Link v. Wabash R.*

Co., 370 U.S. 626, 630-31 (1962). Federal Rule of Civil Procedure 41(b) authorizes the involuntary dismissal of an action for failure to prosecute or to comply with procedural rules or orders of the court. While the text of Rule 41(b) contemplates such dismissal upon the motion of a defendant, the rule has been interpreted to allow the sua sponte dismissal of an action. *Link, id.*; *Rogers v. Andrus Transp. Services*, 502 F.3d 1147, 1151 (10<sup>th</sup> Cir. 2007).

The court finds plaintiff has failed to prosecute this action and has been given adequate notice of the court's intention to dismiss this matter for lack of prosecution.

IT IS, THEREFORE, BY THE COURT ORDERED this matter is dismissed without prejudice for lack of prosecution.

IT IS FURTHER ORDERED plaintiff's motion for leave to proceed in forma pauperis (Doc. 2) is denied as moot.

A copy of this Memorandum and Order shall be transmitted to the plaintiff.

**IT IS SO ORDERED.**

Dated at Topeka, Kansas, this 15<sup>th</sup> day of June, 2011.

S/ Sam A. Crow  
SAM A. CROW  
United States Senior District Judge

