

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS

JASON L. PERRY,

Plaintiff,

v.

CASE NO. 12-3086-SAC

FEDERAL BUREAU OF PRISONS,  
et al.,

Defendants.

MEMORANDUM AND ORDER

By its order of June 5, 2012, the court granted plaintiff to and including July 6, 2012, to supplement the record as directed therein. The plaintiff was advised that the failure to file a timely response might result in the dismissal of this matter without prejudice and without additional prior notice. Plaintiff has filed no response.

A court has the inherent power to dismiss an action for failure to prosecute in order to assure the orderly and expeditious resolution of cases. *Link v. Wabash Railroad Co.*, 370 U.S. 626, 630-631 (1962). Pursuant to Rule 41(b) of the Federal Rules of Civil Procedure, "If the plaintiff fails ... to comply with [court] rules or a court order, a defendant may move to dismiss the action or any claim against it." The Tenth Circuit Court of Appeals has interpreted this provision "to permit courts to dismiss actions *sua sponte* for a plaintiff's failure to prosecute." *Olsen v. Mapes*, 333 F.3d 1199, 1204 n.3 (10<sup>th</sup> Cir. 2003). The court has considered the record and concludes this matter may be dismissed.

IT IS, THEREFORE, BY THE COURT ORDERED this matter is dismissed without prejudice due to 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 order shall be mailed to the plaintiff.

**IT IS SO ORDERED.**

DATED: This 17<sup>th</sup> day of July, 2012, at Topeka, Kansas.

S/ Sam A. Crow  
SAM A. CROW  
U.S. Senior District Judge