

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS

PIERRE TERRON-ONEAL WATSON,

Plaintiff,

v.

CASE NO. 12-3091-SAC

FEDERAL BUREAU OF PRISONS, et al.,

Defendants.

MEMORANDUM AND ORDER

By its order of June 13, 2012, the court granted plaintiff to and including July 16, 2012, to submit the initial partial filing fee calculated by the court and 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 the cases on its docket. *Link v. Wabash Railroad Co.*, 370 U.S. 626, 630-631 (1962). Rule 41(b) of the Federal Rules of Civil Procedure provides, in part, "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 rule "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). Having considered the record, the court concludes this matter may be dismissed due to

plaintiff's failure to respond to the court's order of June 13, 2012.

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

IT IS FURTHER ORDERED plaintiff's motions for leave to proceed in forma pauperis (Doc. 2) and to appoint counsel (Doc. 3) are denied as moot.

A copy of this order shall be mailed to the plaintiff.

**IT IS SO ORDERED.**

DATED: This 27<sup>th</sup> day of July, 2012, at Topeka, Kansas.

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