

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS

DANNY E. BEAUCLAIR,

Plaintiff,

v.

CASE NO. 14-3020-SAC

DENNIS HIGH, et al.,

Defendants.

MEMORANDUM AND ORDER

This pro se civil rights complaint was filed pursuant to 42 U.S.C. § 1983 by an inmate seeking to sue prison officials in connection with a disciplinary report against him. The court entered a Memorandum and Order on January 7, 2015, finding that this action was subject to dismissal as frivolous and for failure to state a claim. Mr. Beauclair was granted time in which to show cause why this action should not be dismissed for the reasons set forth in its Memorandum and Order. The time in which plaintiff was required to show good cause has expired and nothing further has been received from plaintiff.

"Rule 41(b) authorizes a district court, upon a defendant's motion, to order the dismissal of an action for failure to prosecute as well as for failure to comply with the Federal Rules of Civil Procedure or 'a court order.'" *Young v. U.S.*, 316 Fed.Appx. 764, 771 (10<sup>th</sup> Cir. 2009) (citing Fed.R.Civ.P. 41(b)). "This rule has been interpreted as permitting district

courts to dismiss actions sua sponte when one of these conditions is met." *Id.* (citing *Link v. Wabash R.R. Co.*, 370 U.S. 626, 630-31 (1962); *Olsen v. Mapes*, 333 F.3d 1199, 1204 n. 3 (10th Cir. 2003)). "In addition, it is well established in this circuit that a district court is not obligated to follow any particular procedures when dismissing an action without prejudice under Rule 41(b)." *Id.* at 771-72 (citations omitted).

**IT IS THEREFORE BY THE COURT ORDERED** that this action is dismissed and all relief is denied without prejudice pursuant to Rule 41(b).

**IT IS SO ORDERED.**

Dated this 11<sup>th</sup> day of February, 2015, at Topeka, Kansas.

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