

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

WILLIAM STAPLES,

Plaintiff,

v.

CASE NO. 16-3136-SAC-DJW

UNITED STATES OF AMERICA,
et al.,

Defendants.

MEMORANDUM AND ORDER

This matter is a civil action filed by a prisoner in federal custody. On March 31, 2017, the Court assessed an initial partial filing fee of \$3.50 and granted plaintiff fourteen days from his receipt of the order to pay the fee. There has been no response.

Rule 41(b) of the Federal Rules of Civil Procedure allows a district court to dismiss an action sua sponte "[i]f the plaintiff fails to prosecute or comply with these rules or a court order." Fed.R.Civ.P. 41(b). *See Olsen v. Mapes*, 333 F.3d 1199, 1204 n.3 (10th Cir. 2003) (stating that Rule 41(b) "has long been interpreted to permit courts to dismiss actions sua sponte for a plaintiff's failure to prosecute or comply with the rules of civil procedure or court's orders.") (citing *Link v. Wabash R.R. Co.*, 370 U.S. 626, 630-31 (1962)). Having considered the record, the Court concludes this matter may be dismissed.

IT IS, THEREFORE, BY THE COURT ORDERED this matter is dismissed.

IT IS FURTHER ORDERED plaintiff's motion for mailings by certified mail (Doc. #3) is denied.

IT IS SO ORDERED.

DATED: This 16th day of May, 2017, at Topeka, Kansas.

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