

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS**

GARY ALLEN ROSS,)
)
 Plaintiff,)
)
 v.)
)
 PENTAIR, et al.,)
)
 Defendants.)

Case No. 18-2631-CM-JPO

MEMORANDUM AND ORDER

Pro se plaintiff Gary Allen Ross brings this employment-discrimination action against his employer and union. He moved to proceed with this action in forma pauperis. (Doc. 3.) The court denied that motion on December 19, 2018 and directed plaintiff make three monthly installments on the filing fee on or before January 2, 2019; February 1, 2019; and March 1, 2019. The court further advised plaintiff, “If plaintiff misses the first payment or any subsequent payments, his complaint will be subject to dismissal.” (Doc. 7.)

Plaintiff failed to make payments on either the first or second due dates. The court therefore ordered plaintiff to show cause in writing, on or before February 19, 2019, why this case should not be dismissed without prejudice for failure to prosecute. The court warned plaintiff, “If the court receives no response from plaintiff (or a response that fails to demonstrate why the court should not dismiss the case), the court will likely dismiss the case without further notice.” (Doc. 8.) Despite this warning, plaintiff failed to respond in any manner to the court’s order.

At this time, the court finds that dismissal of plaintiff’s case without prejudice is warranted. Plaintiff has failed to comply with or respond to court orders on multiple occasions. Plaintiff has failed

to prosecute his cause of action. The court therefore dismisses this case without prejudice, for lack of prosecution under D. Kan. R. 41.1. The Clerk of the Court is directed to close the case.

IT IS THEREFORE ORDERED that the case is dismissed without prejudice, for lack of prosecution under D. Kan. R. 41.1. The Clerk of the Court is directed to close the case.

Dated this 25th day of February, 2019, at Kansas City, Kansas.

s/ Carlos Murguia
CARLOS MURGUIA
United States District Judge