

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

CHAD EDWARD WEISS,

Plaintiff,

v.

CASE NO. 18-3112-SAC

JEFF EASTER, et al.,

Defendants.

ORDER

Plaintiff brings this *pro se* civil rights action under 42 U.S.C. § 1983. The Court granted Plaintiff's motion to proceed *in forma pauperis* on June 18, 2018. (Doc. 6.) On July 3, 2018, the Court entered a Memorandum Order and Order to Show Cause (Doc. 7) ("MOSC"), giving Plaintiff until August 3, 2018, to either show cause why his Complaint should not be dismissed or to file a proper amended complaint to cure the deficiencies set forth in the MOSC. The Court granted Plaintiff an extension of time to October 3, 2018, to show cause and to file an amended complaint. (Doc. 10.) The Court granted Plaintiff a second extension of time to December 3, 2018, to show cause and file an amended complaint. (Doc. 13.) On December 18, 2018, the Court entered an Order to Show Cause (Doc. 14) granting Plaintiff until January 7, 2019, to show cause why this action should not be dismissed for failure to prosecute. Plaintiff filed a motion for extension of time (Doc. 15) and the Court granted Plaintiff an extension of time to March 7, 2019, to show good cause why this action should not be dismissed for failure to prosecute (Doc. 16). Plaintiff has failed to respond to the Order to Show Cause within the allowed time.

Rule 41(b) of the Federal Rules of Civil Procedure “authorizes a district court, upon a defendant’s motion, to order the dismissal of an action for failure to prosecute or for failure to comply with the Federal Rules of Civil Procedure or ‘a court order.’” *Young v. U.S.*, 316 F. App’x 764, 771 (10th 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).” *Young*, 316 F. App’x at 771–72 (citations omitted).

Plaintiff has failed to file a response to the Court’s Order to Show Cause within the allowed time.

IT IS THEREFORE ORDERED THAT this matter is dismissed without prejudice under Fed. R. Civ. P. 41(b).

IT IS SO ORDERED.

Dated in Topeka, Kansas, on this 13th day of March, 2019.

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