

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

BAYLOR REED,

Plaintiff,

v.

CASE NO. 18-3218-SAC

SHAWNEE COUNTY JAIL, et al.,

Defendants.

MEMORANDUM AND ORDER

This matter is a civil rights action filed under 42 U.S.C. § 1983. On November 1, 2019, the Court entered a Memorandum and Order directing plaintiff to submit a second amended complaint that identified individual defendants on or before December 2, 2019. Plaintiff has not submitted an amended complaint or otherwise responded to that order.

Discussion

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).

Because plaintiff has failed to respond to the order to submit an amended complaint, the Court concludes this matter may be dismissed.

IT IS, THEREFORE, BY THE COURT ORDERED this matter is dismissed without prejudice.

IT IS FURTHER ORDERED plaintiff's motion to compel (Doc. 5) is denied.

IT IS SO ORDERED.

DATED: This 28th day of February, 2020, at Topeka, Kansas.

S/ Sam A. Crow

SAM A. CROW

U.S. District Judge