

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

GARY JORDAN,

Plaintiff,

v.

CASE NO. 18-3236-SAC

**UNITED STATES ATTORNEY'S
OFFICE, et al.,**

Defendants.

ORDER TO SHOW CAUSE

Plaintiff filed this *pro se* civil rights case under 42 U.S.C. § 1983. On September 12, 2018, the Court entered a Notice of Deficiency (Doc. 2) granting Plaintiff until October 12, 2018, in which to submit his Complaint on court-approved forms. *See* D. Kan. Rule 9.1(a). The proper forms were provided to Plaintiff with the Notice of Deficiency. On October 15, 2018, Plaintiff filed a motion for an extension of time to submit his complaint on court-approved forms. (Doc. 4.) The Court granted the motion and extended Plaintiff's deadline to November 19, 2018. (Doc. 5.) On November 15, 2018, Plaintiff filed another motion for extension of time (Doc. 6) and the Court granted him a further extension to December 19, 2018. (Doc. 7.) To date, Plaintiff has failed to submit his complaint on court-approved forms and has failed to seek an extension of time beyond the December 19, 2018 deadline.

The Notice of Deficiency states that if Plaintiff "fail[s] to comply within the prescribed time . . . this action may be dismissed without further notice for failure to comply with this court order." (Doc. 2, at 1–2.) 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 comply with the Court’s Notice of Deficiency within the allowed time. Therefore, Plaintiff should show cause why this case should not be dismissed without prejudice pursuant to Rule 41(b).

IT IS THEREFORE ORDERED THAT Plaintiff is granted until **March 15, 2019**, in which to show good cause, in writing, to the Honorable Sam A. Crow, United States District Judge, why this action should not be dismissed without prejudice pursuant to Rule 41(b) for failure to comply with court orders.

IT IS SO ORDERED.

Dated in Topeka, Kansas, on this 22nd day of February, 2019.

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