

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

MICHAEL WAYNE THEDFORD,

Plaintiff,

v.

CASE NO. 18-3268-SAC

RICE COUNTY JAIL, et al.,

Defendants.

ORDER OF DISMISSAL

On March 13, 2019, the Court entered a Notice and Order to Show Cause (NOSC) in this matter, directing plaintiff to submit an initial partial filing fee and either to show cause why this matter should not be dismissed or to submit an amended complaint that cured the deficiencies identified by the Court. On April 9, 2019, the NOSC was returned as undeliverable.

On April 10, 2019, the Court entered an Order to Show Cause (OSC) directing plaintiff to show cause why this matter should not be dismissed for lack of prosecution. Plaintiff was granted to and including April 26, 2019, to respond. On April 18, 2019, the OSC was returned as undeliverable.

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 provide his current address and has failed to prosecute this action, the Court will dismiss this matter under Fed. R. Civ. P. 41(b).

IT IS, THEREFORE, BY THE COURT ORDERED this matter is dismissed without prejudice for lack of prosecution.

IT IS FURTHER ORDERED plaintiff's motion for leave to proceed in forma pauperis (Doc. 2) is denied as moot.

IT IS SO ORDERED.

DATED: This 29th day of April, 2019, at Topeka, Kansas.

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