

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

**DANIEL GUERRERO, on behalf of
himself and all others similarly
situated,**

Plaintiff,

v.

**FIRST NATIONAL COLLECTION
BUREAU, INC., ET AL.,**

Defendants.

Case No. 18-4072-DDC-TJJ

MEMORANDUM AND ORDER

On July 17, 2019, Magistrate Judge Teresa J. James issued a Notice and Order to Show Cause (Doc. 42) ordering plaintiff to show cause in writing to the court, on or before August 2, 2019, why the court should not dismiss this case without prejudice for lack of prosecution. The Clerk of Court served plaintiff with the Notice and Order to Show Cause by certified mail and regular mail. *See* Docket Entry for Doc. 42. Plaintiff has not responded to the court's Order. And the time for doing so has expired.

Under Fed. R. Civ. P. 41(b) and D. Kan. Rule 41.1, the court may dismiss an action where a party fails to prosecute the case or comply with the court's orders and rules. Here, plaintiff has failed to prosecute the case and has failed to comply with the court's orders in several ways—as Judge James described in her Notice and Order to Show Cause. *See* Doc. 42 at 2. And now, plaintiff has failed to comply with the court's Notice and Order to Show Cause because he has not responded to the court's Order to show cause in writing to the court why it should not dismiss the case without prejudice for lack of prosecution. For these reasons, the

court dismisses plaintiff's case without prejudice under Fed. R. Civ. P. 41(b) for failure to prosecute.

IT IS THEREFORE ORDERED BY THE COURT that this case is dismissed without prejudice under Fed. R. Civ. P. 41(b) because plaintiff has failed to prosecute the case.

Dated this 7th day of August, 2019, at Topeka, Kansas.

s/ Daniel D. Crabtree
Daniel D. Crabtree
United States District Judge