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

CARLON ANDERSON,

      Petitioner,

      v.   CASE NO. 19-3072-JWL

N. ENGLISH, Warden,
USP-Leavenworth,

      Respondent.

ORDER TO SHOW CAUSE

This matter is a petition for habeas corpus filed under 28 U.S.C. § 2241. On May 7, 2019, the Court entered an Order (Doc. 4) denying Petitioner's Application to Proceed Without Prepayment of Fees and ordering Petitioner to submit the $5.00 filing fee by May 24, 2019. Petitioner has failed to submit the filing fee by the deadline.

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 Order 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 **June 14, 2019,** in which to show good cause, in writing, to the Honorable John W. Lungstrum, 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 Kansas City, Kansas, on this 29th day of May, 2019.

S/ John W. Lungstrum
JOHN W. LUNGSTRUM
UNITED STATES DISTRICT JUDGE