

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

ALJAWON MILES,

Plaintiff,

v.

CASE NO. 19-3082-SAC

CHARLOTTE WESTOFF, et al.,

Defendants.

ORDER TO SHOW CAUSE

Plaintiff filed this *pro se* civil rights case under 42 U.S.C. § 1983. On May 1, 2019, the Court entered a Notice of Deficiency (Doc. 3) granting Plaintiff until June 3, 2019, in which to submit his complaint and motion to proceed in forma pauperis on court-approved forms, and to submit the financial information required by 28 U.S.C. § 1915(a)(2). *See* D. Kan. Rule 9.1(a). The proper forms were provided to Plaintiff with the Notice of Deficiency. To date, Plaintiff has failed to submit his complaint and motion to proceed in forma pauperis on court-approved forms or to provide the required financial information. Plaintiff has failed to seek an extension of time beyond the June 3, 2019 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. 3, at 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 **June 28, 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 7th day of June, 2019.

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