

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

TIMOTHY DOYLE YOUNG,

Plaintiff,

v.

CASE NO. 19-3087-SAC

CHRISTOPHER SYNSVOLL, et al.,

Defendants.

ORDER OF DISMISSAL

This matter is a civil rights action filed by a prisoner in federal custody. Because plaintiff is subject to the "three-strikes" provision of 28 U.S.C. § 1915(g), he may proceed in forma pauperis only if he shows he is under a threat of imminent danger of serious physical injury. See *In re Timothy Doyle Young*, 382 Fed. Appx. 148, 2010 WL 2178514 (3d Cir. June 1, 2010) (listing qualifying strikes).

On May 7, 2019, the Court denied leave to proceed in forma pauperis and granted plaintiff to and including June 7, 2019, to submit the full filing fee. On June 7, plaintiff submitted a nine-page set of exhibits, but he has failed to submit the filing fee. The exhibits do not show that plaintiff is threatened with an imminent, serious physical injury, and the Court concludes this matter may be dismissed under Rule 41(b) of the Federal Rules of Civil Procedure due to his failure to submit the filing fee.

Rule 41(b) "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).

IT IS, THEREFORE, BY THE COURT ORDERED this matter is dismissed without prejudice.

IT IS SO ORDERED.

DATED: This 11th day of June, 2019, at Topeka, Kansas.

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