

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

**TONY ALLEN HARDESTY, JR.,**

**Plaintiff,**

**v.**

**CASE NO. 19-3154-SAC**

**MATTHEW NESLSON,**

**Defendant.**

**ORDER**

Plaintiff filed this *pro se* civil rights case under 42 U.S.C. § 1983. Plaintiff filed a motion for leave to proceed *in forma pauperis*. (Doc. 2.) On August 20, 2019, the Court entered a Notice of Deficiency (Doc. 3) granting Plaintiff until September 19, 2019, to provide the financial information required to support his motion for leave to proceed in forma pauperis. *See* 18 U.S.C. § 1915(a)(2). Plaintiff has not provided the financial information 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 provide the financial information by the deadline. Therefore, this case is dismissed without prejudice pursuant to Rule 41(b).

**IT IS THEREFORE ORDERED THAT** this matter is dismissed without prejudice under Fed. R. Civ. P. 41(b).

**IT IS FURTHER ORDERED THAT** Plaintiff's motion for leave to proceed *in forma pauperis* (Doc. 2) is **denied**.

**IT IS SO ORDERED.**

**Dated in Topeka, Kansas, on this 25th day of September, 2019.**

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