

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

CHARLES SMITH,

Petitioner,

v.

CASE NO. 19-3157-SAC

UNITED STATES DISTRICT COURT,

Respondent.

ORDER OF DISMISSAL

This matter is a petition for habeas corpus filed under 28 U.S.C. § 2241. On September 20, 2019, the Court received correspondence from petitioner which reads, in part, "Drop all lawsuits. Please and thank you." The Court has liberally construed that correspondence as a motion to voluntarily dismiss the actions filed by petitioner and pending before the Court.

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).

IT IS, THEREFORE, BY THE COURT ORDERED petitioner's correspondence is liberally construed as a motion for voluntary dismissal, and the motion (Doc. 4) is granted.

IT IS SO ORDERED.

DATED: This 24th day of September, 2019, at Topeka, Kansas.

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