

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

**JOHN JOSEPH SHIPPS,**

**Plaintiff,**

**v.**

**CASE NO. 19-3198-SAC**

**THE HERSHEY COMPANY USA, et al.,**

**Defendants.**

**ORDER OF DISMISSAL**

This matter is a civil action filed by a person held at the Cherokee County Jail. On October 29, 2019, the Court entered an order directing plaintiff to submit an initial partial filing fee within fourteen days. Plaintiff has failed to respond.

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).

Because plaintiff failed to comply with an order of the Court, this matter must be dismissed without prejudice.

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

IT IS FURTHER ORDERED plaintiff's motion for initial partial filing fee (Doc. 3) is denied as moot.

**IT IS SO ORDERED.**

DATED: This 19th day of November, 2019, at Topeka, Kansas.

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