

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

JOSEPH LEE JONES,

Plaintiff,

v.

CASE NO. 19-3205-SAC

**DRUG ENFORCEMENT
ADMINISTRATION, et al.,**

Defendants.

ORDER

Plaintiff, Joseph Lee Jones, brings this pro se civil rights case under 42 U.S.C. § 1983. At the time of filing, Plaintiff was is incarcerated at the Shawnee County Jail in Topeka, Kansas. On October 15, 2019, the Court entered an Order (Doc. 3) denying Plaintiff's motion for leave to proceed *in forma pauperis* and requiring Plaintiff, who is a three-strikes litigant, to submit the \$400.00 filing fee by November 1, 2019. The Order notified Plaintiff that his failure to pay the full filing fee within the allowed time will result in the dismissal of this action without prejudice and without further notice. Plaintiff has failed to pay the filing fee by the Court's 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 submit the filing fee by the Court's deadline. As a consequence, the Court dismisses this action without prejudice pursuant to Rule 41(b) for failure to comply with court orders.

IT IS THEREFORE BY THE COURT ORDERED that this action is **dismissed without prejudice** pursuant to Fed. R. Civ. P. 41(b).

IT IS SO ORDERED.

Dated November 4, 2019, in Topeka, Kansas.

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