

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

JOSEPH LEE JONES,

Plaintiff,

v.

CASE NO. 20-3020-SAC

DAKOTA LOOMIS, et al.,

Defendants.

ORDER

Plaintiff, Joseph Lee Jones, who is currently detained at the Douglas County Jail in Lawrence, Kansas, brings this civil rights case against Dakota Loomis, Douglas County Commissioners, James J. Hughes, and the United States Copyright and Patent Office.

On January 21, 2020, the Court entered an Order (Doc. 4) 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 February 7, 2020. 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. Plaintiff has also failed to show imminent danger of serious physical injury.

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 FURTHER ORDERED that Plaintiff’s motions (Docs. 3, 5) are moot and therefore **denied**.

IT IS SO ORDERED.

Dated February 10, 2020, in Topeka, Kansas.

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