

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

JOSEPH L. J.,

Plaintiff,

v.

**ANDREW SAUL, Commissioner of Social
Security,**

Defendant.

Case No. 05:20-CV-4008-JAR

ORDER

Plaintiff, who is currently detained at the Douglas County Jail, brings this civil action against Defendant Andrew Saul, Commissioner of Social Security.

On January 29, 2020, 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 filing fee by February 14, 2020. The Order notified Plaintiff that his failure to pay the full filing fee within the allowed time will result in the action being dismissed 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.

Federal Rule of Civil Procedure 41(b) "authorizes a district court, upon a defendant's motion, to order the dismissal of an action for failure to prosecute or failure to comply with the Federal Rules of Civil Procedure or a 'court order.'"¹ "This rule has been interpreted as permitting district courts to dismiss actions *sua sponte* when one of these conditions is met."²

¹*Young v. United States*, 316 F. App'x 764, 771 (10th Cir. 2009) (citing Fed. R. Civ. P. 41(b)).

²*Id.* (citing *Link v. Wabash R.R. Co.*, 370 U.S. 626, 630-31 (1962)); *accord 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).”³

Plaintiff 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 a court order.

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

IT IS FURTHER ORDERED that Plaintiff’s motions (Docs. 6, 9) are **denied as moot**.

IT IS SO ORDERED.

Dated: February 19, 2020

S/ Julie A. Robinson
JULIE A. ROBINSON
UNITED STATES DISTRICT JUDGE

³*Young*, 316 F. App’x at 771-72 (citations omitted) (emphasis in original).