

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

ROBERT BURTON,

Plaintiff,

v.

CASE NO. 21-3137-SAC

SHANNON MEYER,

Defendant.

ORDER

Plaintiff filed this *pro se* civil rights case under 42 U.S.C. § 1983. On June 2, 2021, the Court entered a Notice of Deficiency, granting Plaintiff until July 2, 2021, in which to submit the filing fee or a motion for leave to proceed *in forma pauperis*. The order provides that failure to comply within the prescribed time may result in dismissal of this action “without further notice for failure to comply with this court order.” (Doc. 2, at 1.) Plaintiff has failed to comply 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 either pay the filing fee or submit a motion for leave to proceed *in forma pauperis* by the Court's deadline.

IT IS THEREFORE ORDERED THAT this matter is dismissed without prejudice under Fed. R. Civ. P. 41(b).

IT IS SO ORDERED.

Dated July 6, 2021, in Topeka, Kansas.

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