

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

DESHAWN HUGHES,

Plaintiff,

v.

CASE NO. 21-3281-SAC

PAUL COREY, et. al,

Defendants.

ORDER

Plaintiff filed this *pro se* civil rights case under 42 U.S.C. § 1983. Plaintiff filed a motion for leave to proceed in forma pauperis. (Doc. 2.) On December 7, 2021, the Court entered a Notice of Deficiency (Doc. 3), directing Plaintiff to provide the financial information required by federal law to support his motion. *See* 28 U.S.C. § 1915(a)(2). The Notice provides that “[i]f you fail to comply within the prescribed time, the Judge presiding over your case will be notified of your non-compliance, and this action may be dismissed without further notice for failure to comply with this court order.” (Doc. 3, at 1.) The deadline for providing the information was January 6, 2022. On January 7, 2022, the Court entered an Order to Show Cause (Doc. 4), granting Plaintiff until January 21, 2022, to show good cause why this action should not be dismissed without prejudice pursuant to Fed. R. Civ. P. 41(b) for failure to comply with Court orders. Plaintiff has failed to show good cause by the Court’s deadline and has failed to provide the financial information to support his motion for leave to proceed in forma pauperis.

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 financial information to support his motion for leave to proceed in forma pauperis within the allowed time and has failed to show good cause why this action should not be dismissed without prejudice. Therefore, the motion is denied and this action is dismissed without prejudice.

IT IS THEREFORE ORDERED THAT Plaintiff’s motion for leave to proceed in forma pauperis (Doc. 2) is **denied**.

IT IS FURTHER ORDERED that this matter is **dismissed without prejudice** under Fed. R. Civ. P. 41(b) for failure to comply with Court orders.

IT IS SO ORDERED.

Dated January 31, 2022, in Topeka, Kansas.

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