

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

**JAMES C. CHRISMAN,**

**Petitioner,**

**v.**

**UNITED STATES OF AMERICA,**

**Respondent**

**Case No. 22-3028-JWL**

**MEMORANDUM AND ORDER**

This matter is a petition for habeas corpus filed under 28 U.S.C. §2241. On February 11, 2022, the court ordered petitioner to submit the action on a form pleading and to submit the filing fee or a motion for leave to proceed in forma pauperis on or before March 4, 2022. Petitioner has failed to respond.

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). Because petitioner has failed to comply with the court’s order, this matter will be dismissed without prejudice.

THE COURT THEREFORE ORDERS that this matter is dismissed without prejudice.

IT IS SO ORDERED.

Dated: March 15, 2022

/s/ John W. Lungstrum  
JOHN W. LUNGSTRUM  
UNITED STATES DISTRICT JUDGE