

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

JOHN TIMOTHY PRICE,

Plaintiff,

v.

UNITED STATES OF AMERICA,

Defendant

Case No. 22-3168-JWL-JPO

ORDER OF DISMISSAL

This matter is a civil action filed by a prisoner in pretrial detention at the Douglas County Jail. Plaintiff commenced this action in the United States Court of Federal Claims. That court found that it lacked jurisdiction over plaintiff's claims and transferred the action to this court.

On August 16, 2022, the court entered an order finding plaintiff is subject to 28 U.S.C. § 1915(g) and directing him to pay the full filing fee on or before September 16, 2022. Plaintiff has failed to pay the filing fee.

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 plaintiff has failed to submit the filing fee within the time allowed, the court will dismiss this action without prejudice pursuant to Rule 41(b) for failure to comply with court orders.

THE COURT THEREFORE ORDERS that this matter is dismissed without prejudice under Fed. R. Civ. P. 41(b).

IT IS SO ORDERED.

Dated: September 21, 2022

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