FILED
U.S. District Court
District of Kansas
08/14/2026
Clerk, U.S. District Court
By: JAL Deputy Clerk

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

GAVINO MACIAS,

Plaintiff,

v. **CASE NO. 26-3035-JWL**

DAVID HAEHL, et al.,

Defendants.

MEMORANDUM AND ORDER

Plaintiff brings this pro se civil rights action under 42 U.S.C. § 1983. Plaintiff is incarcerated at the Lansing Correctional Facility in Lansing, Kansas. The Court granted Plaintiff leave to proceed in forma pauperis. On May 29, 2026, the Court entered a Memorandum and Order (Doc. 10) staying this case pending resolution of Plaintiff's state court criminal proceedings and ordering Plaintiff to submit a status report by June 30, 2026. *See State v. Macias*, Case No. MI-2024-CR-000147 (District Court of Miami County, Kansas). Because Plaintiff failed to submit a status report by the deadline, the Court entered an Order to Show Cause (Doc. 11) ("OSC") granting Plaintiff until August 6, 2026, to show good cause why this case should not be dismissed without prejudice under Fed. R. Civ. P. 41(b).

The OSC provides that "[f]ailure to respond by the deadline may result in dismissal of this matter without prejudice and without further notice." (Doc. 11, at 1.) Plaintiff has failed to respond by the Court's deadline and has failed to show good cause why this case should not be dismissed.

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 respond to the OSC by the Court's deadline and has failed to show good cause why this case should not be dismissed. As a consequence, the Court dismisses this action without prejudice pursuant to Rule 41(b) for failure to comply with court orders.

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

IT IS SO ORDERED.

Dated August 14, 2026, in Kansas City, Kansas.

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