FILED
U.S. District Court
District of Kansas
10/09/2026
Clerk, U.S. District Court
By: SND Deputy Clerk

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

JIMMY L. BROOKS,

Plaintiff,

v. **CASE NO. 26-3321-JWL**

DONALD HUDSON, et al.,

Defendants.

MEMORANDUM AND ORDER

Plaintiff brings this pro se civil rights action. Although Plaintiff is currently incarcerated at Lee USP in Jonesville, Virgina, his claims are based on his incarceration the FCI Leavenworth in Leavenworth, Kansas. On August 28, 2026, the Court entered a Notice of Deficiency (Doc. 3) ("NOD") ordering Plaintiff to submit his complaint on the Court-approved form by September 28, 2026. *See* D. Kan. Rule 9.1(a). Plaintiff has failed to comply by the Court's deadline.

On September 1, 2026, the Court granted Plaintiff's motion for leave to proceed in forma pauperis and assessed an initial partial filing fee in the amount of $54.00, calculated under 28 U.S.C. § 1915(b)(1). (Doc. 4.) The order provides that the failure to pay the initial partial filing fee or file an objection by October 1, 2026, "may result in the dismissal of this matter without further notice." *Id*. Plaintiff has failed to pay the fee or file an objection 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 submit the initial partial filing fee or to file an objection by the Court's deadline. Plaintiff has also failed to submit his complaint on the Court-approved form 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 October 9, 2026, in Kansas City, Kansas.

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