FILED
U.S. District Court
District of Kansas
10/22/2026
Clerk, U.S. District Court
By: MSB Deputy Clerk

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

DANIEL R. POOLE, JR.,

Plaintiff,

v. **CASE NO. 26-3344-JWL**

STATE OF KANSAS, et al.,

Defendants.

MEMORANDUM AND ORDER

On September 16, 2026, the Court granted Plaintiff Daniel R. Poole, Jr. leave to proceed in forma pauperis, ordered him to pay an initial partial filing fee of $5.00 on or before October 16, 2026, and warned him that "[t]he failure to pay the fee as directed may result in the dismissal of this matter without further [prior] notice." (Doc. 5.) The deadline has passed and the Court has received nothing from Plaintiff. Under Rule 41(b) of the Federal Rules of Civil Procedure, a district court may dismiss an action "if the plaintiff fails to prosecute or to comply with . . . a court order." Fed. R. Civ. P. 41(b); *See also Olsen v. Mapes*, 333 F.3d 1199, 1204 n.3 (10th Cir. 2003) (noting that Rule 41(b) "has long been interpreted to permit courts to dismiss actions sua sponte for a plaintiff's failure . . . to comply with the . . . court's orders"). Because Plaintiff has not timely paid the fee, this matter will be dismissed without prejudice under Rule 41(b).

IT IS THEREFORE ORDERED THAT this matter is **dismissed without prejudice** under Fed. R. Civ. P. 41(b) for failure to comply with a court order.

IT IS SO ORDERED.

Dated on this 22nd day of October, 2026, in Kansas City, Kansas.

s/ John W. Lungstrum
JOHN W. LUNGSTRUM
United States District Judge