



Harris v. Does

2023 | Cited 0 times | E.D. Arkansas | August 10, 2023

IN THE UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF ARKANSAS

CENTRAL DIVISION TYRIUS HARRIS PLAINTIFF

v. No: 4:23-cv-00548-KGB-PSH

DOES DEFENDANTS

PROPOSED FINDINGS AND RECOMMENDATION

INSTRUCTIONS The following Recommendation has been sent to United States District Judge Kristine G. Baker. You may file written objections to all or part of this Recommendation. If you do so, those objections must: (1) specifically explain the factual and/or legal basis for your objection; and (2) be received by the Clerk of this Court within fourteen (14) days of this Recommendation. By not objecting, you may waive the right to appeal questions of fact.

DISPOSITION Plaintiff Tyrius Harris filed a pro se complaint on June 12, 2023 (Doc. No. 1). On June 13, 2023, the Court entered an order directing Harris to submit the full \$402.00 filing and administrative fee or file a fully completed IFP application within 30 days (Doc. No. 2). Harris was cautioned that failure to comply with the Court's order within that time would result in the recommended dismissal of his case. More than 30 days have passed, and Harris has not complied or otherwise responded to the June 13 order. Accordingly, the Court finds that this action should be dismissed without prejudice for failure to comply with Local Rule 5.5(c)(2) and failure to respond to the Court's order s. See *Miller v. Benson*, 51 F.3d 166, 168 (8th Cir. 1995) (District courts have inherent power to dismiss sua sponte a case for failure to prosecute, and exercise of that power is reviewed for abuse of discretion). It is therefore recommended that Harris' complaint (Doc. No. 1) be dismissed without prejudice. DATED this 10th day of August, 2023.

_____ UNITED STATES MAGISTRATE JUDGE

