

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
SOUTHERN DIVISION

JAMES JONES,)	
)	
Plaintiff,)	
)	
v.)	CASE NO.: 1:11-cv-910
)	(WO - Do Not Publish)
AWC LOGISTICS OF DOTHAN,)	
LLC, <i>et al.</i> ,)	
)	
Defendants.)	

ORDER

A pretrial hearing was held in this matter on June 20, 2013, at which counsel for Plaintiff James Jones (“Plaintiff”) and Defendants Diversified Logistics, LLC (“Diversified”) and Vann Carter (“Carter”) (collectively, “Defendants”) were present. At this hearing, the Court heard arguments from counsel on Carter’s Motion for Summary Judgment (Doc. #53), which sought dismissal of all of Plaintiff’s claims against him individually. Plaintiff conceded that there was no legal basis on which to hold Carter individually liable for Plaintiff’s claims, and therefore, entry of summary judgment in favor of Carter was proper. Accordingly, based on the representations of counsel and after a review of the record, the Court orally granted Carter’s Motion for Summary Judgment (Doc. #53). The Court now reflects this ruling herein, finding that the material facts as alleged in Carter’s Motion for Summary Judgment (Doc. #53) are undisputed and established as a matter of law, and therefore, Carter’s Motion for Summary Judgment (Doc. #53) is well-taken and due to be GRANTED.

Plaintiff's counsel further represented that he informed Plaintiff of the Court's requirement that he appear in person at the June 20, 2013 hearing and even forwarded him money for transportation, as requested by Plaintiff. Despite all this, Plaintiff still failed to appear before the Court as instructed. Thus, it is ORDERED that, based on the representations of Plaintiff's counsel and for good cause shown, Plaintiff's counsel's Motion for Leave to Withdraw as Counsel of Record and to Continue Trial (Doc. #62) is GRANTED. Accordingly, Mr. Frank J. Dantone, and the law firm of Henderson, Dantone, P.A. is permitted to withdraw as counsel of record for Plaintiff in this case, and the pretrial hearing and trial of this matter are CONTINUED GENERALLY.

Plaintiff James Jones is further ORDERED that he shall either obtain new counsel or inform the Court in writing that he wishes to proceed *pro se* (on his own) in this matter no later than thirty (30) days from the date of this Order. If Plaintiff fails to either obtain new counsel or inform the Court in writing that he wishes to proceed *pro se* in this matter within thirty (30) days from the date of this Order, the Court will dismiss Plaintiff's claims without prejudice. The Clerk of Court is DIRECTED to mail a copy of this Order to Plaintiff James Jones at his address on record with the Clerk's office.

A hearing is set for August 2, 2013, at 10:00 a.m. in Courtroom 2A, United States Courthouse, One Church Street, Montgomery, Alabama. The Court will deem Plaintiff's failure to appear at this hearing, whether through newly obtained counsel or *pro se*, as a failure to comply with the orders of this Court and a failure to litigate this action, and

Plaintiff's claims will be dismissed, without prejudice, accordingly.

Finally, it is ORDERED that Plaintiff's Motion to Continue Motion and Final Pretrial Hearing (Doc. #66) is DENIED AS MOOT.

DONE this the 27th day of June, 2013.

/s/ Mark E. Fuller

UNITED STATES DISTRICT JUDGE