

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

RONALD MAYS, <i>et al.</i> ,)	
)	
Plaintiffs,)	
)	
v.)	CASE NO. 2:15-CV-455-WKW
)	[WO]
ANNA THRASH, <i>et al.</i> ,)	
)	
Defendants.)	

ORDER

As forewarned in a prior Order (Doc. # 42), this action is due to be dismissed for Plaintiffs’ failure to prosecute. On September 1, 2016, an Order was entered granting the motion to withdraw filed by Plaintiffs’ counsel. (Doc. # 37.) In the Order, the court also required Plaintiffs to either secure counsel or file a statement advising the court that they have not obtained counsel and wish to either dismiss the action or proceed *pro se*. (Doc. # 37.) Plaintiffs failed to comply by the deadline set in the Order. On October 11, the court again ordered Plaintiffs to either secure counsel or file a statement notifying the court of their plans to dismiss or proceed *pro se*. (Doc. # 42.) In this second Order, the court explicitly warned that “[f]ailure of Plaintiffs to comply with this order will result in dismissal of this action.” (Doc. # 42 at 1.) But yet again, Plaintiffs have blown past the deadline to secure counsel

or file the court-ordered statement. To date, Plaintiffs have not complied with the court's October 11, 2016 order.

In light of Plaintiffs' failure to comply with the court orders issued on September 1 and October 11, 2016, the court concludes that Plaintiffs have abandoned their claims. "[E]ven a non-lawyer should realize the peril to her case, when she . . . ignores numerous notices" and fails to comply with court orders. *Anthony v. Marion Cty. Gen. Hosp.*, 617 F.2d 1164, 1169 (5th Cir. 1980).¹ That being the case, the court exercises its "inherent power" to "dismiss [Plaintiffs' claims] *sua sponte* for lack of prosecution." *Link v. Wabash R.R. Co.*, 370 U.S. 626, 630 (1962); *see also Betty K Agencies, Ltd. v. M/V Monada*, 432 F.3d 1333, 1337 (11th Cir. 2005) (describing the judicial power to dismiss *sua sponte* for failure to comply with court orders).

Accordingly, it is ORDERED that Plaintiffs' action is DISMISSED without prejudice for failure to prosecute and failure to comply with court orders.

A final judgment will be entered separately.

DONE this 24th day of October, 2016.

/s/ W. Keith Watkins
CHIEF UNITED STATES DISTRICT JUDGE

¹ In *Bonner v. City of Prichard*, the Eleventh Circuit adopted as binding precedent all decisions of the former Fifth Circuit handed down before the close of business on September 30, 1981. 661 F.2d 1206 (11th Cir. 1981) (*en banc*).