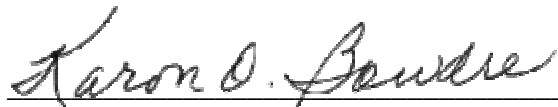


Plaintiff to show cause why the court should not grant the motion and dismiss the case as a sanction for failure to comply with a court order. (Doc. 16). Plaintiff's attorney responded, contending that he had been unable to reach his client, Mr. Conner, and requesting a 90-day stay of stay of discovery to find him. (Doc. 18). Defendant opposes the request for a stay. (Doc. 19).

Federal Rule of Civil Procedure 41 permits a court to dismiss an action “[i]f the plaintiff fails to prosecute or to comply with . . . a court order.” Fed. R. Civ. P. 41(b). And Federal Rule of Civil Procedure 37 permits a court to “dismiss[] the action or proceeding in whole or in part” if a party “fails to obey an order to provide or permit discovery.” Fed. R. Civ. P. 37(b)(2)(A)(v). Mr. Conner has both failed to prosecute this case and to comply with this court's July 20 order to provide discovery, and his failures to act have prejudiced Defendant already. Therefore, this court WILL DISMISS the case without prejudice. The court WILL DENY Plaintiff's motion to stay discovery. The court will enter a separate order consistent with this opinion.

DONE and **ORDERED** this August 25, 2017.



KARON OWEN BOWDRE
CHIEF UNITED STATES DISTRICT JUDGE