

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

**JEANETTA PLEASANT,**

}

**Plaintiff,**

}

}

**v.**

}

**Case No. 2:19-CV-01267-CLM**

}

**SOCIAL SECURITY  
ADMINISTRATION,  
ADMINISTRATOR,**

}

}

}

}

}

**Defendant.**

}

**MEMORANDUM OPINION**

For the reasons explained below, this action and all claims included in it are due to be **DISMISSED with prejudice.**

**PROCEDURAL BACKGROUND**

On August 8, 2019, Plaintiff Pleasant filed a Complaint against Defendant Social Security Administration (“SSA”) alleging two counts of disability discrimination under the ADA/ADAAA. Doc 1. Pleasant filed an amended complaint bringing the same claims on November 22, 2019. Doc. 9. Following SSA’s motion to dismiss, the court dismissed Pleasant’s Count II failure to accommodate claim, leaving only Count I remaining. Doc. 19. The court then entered a scheduling order on September 29, 2020, requiring all discovery to be completed by April 30, 2021. Doc. 13. On motion, the court later extended the

discovery deadline to May 28, 2021. Doc. 31.

On May 4, 2021, the court held a telephone status conference that had been set by the original scheduling order. However, Pleasant's attorney did not attend this conference and did not respond to calls from SSA's counsel or this court, so the court rescheduled the conference to May 7, 2021. Doc. 32. At this conference, SSA informed the court that it was awaiting discovery responses from Pleasant, which it needed before it could hold its final deposition. Pleasant's counsel assured SSA that it would send those discovery responses and a proposed date for the deposition by the end of the week. But Pleasant did not send either item to SSA, prompting SSA to file a motion to compel Pleasant to do so on May 11, 2021. Doc. 33. The court granted this motion and ordered Pleasant to submit to SSA all discovery responses, as well as a proposed date to take the remaining deposition, by May 14, 2021. Doc. 34. Pleasant did not respond to this order, and SSA filed a second motion to compel on May 19, 2021. Doc. 35. In this motion, SSA detailed its numerous unsuccessful attempts to reach Pleasant's counsel via email and telephone. *Id.*

Thereafter, the court entered a show cause order on May 24, 2021, giving Pleasant until June 1, 2021 to explain to the court her failure to prosecute this case, including why she failed to respond to SSA's attempts to communicate, provide discovery responses, or work with SSA to schedule a deposition. Doc. 36. The court warned Pleasant that "[f]ailure to respond to this order shall result in the

dismissal of this action with prejudice.” *Id.* As of June 4, 2021, Pleasant has failed to respond or in any way communicate with the court.

### **ANALYSIS**

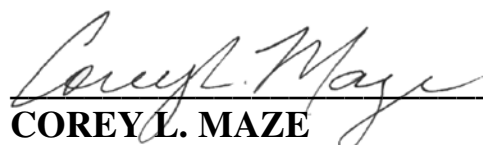
Courts have discretion to dismiss cases *sua sponte* when the plaintiff fails to prosecute her case. *See Link v. Wabash Railroad Co.*, 370 U.S. 626, 630-31 (1962). The Eleventh Circuit has held that “[d]ismissal pursuant to Rule 41(b) upon disregard of an order, especially where the litigant has been forewarned, generally is not an abuse of discretion.” *Kelly v. Old Dominion Freight Line, Inc.*, 376 F.App’x 909, 913-14 (11th Cir. 2010) (citations omitted).

Pleasant has disregarded the discovery schedule and court orders, even after the court warned her of the effect of doing so. When SSA filed multiple motions to compel, Pleasant provided no responses, even after the court ordered her to do so. In short, Pleasant has “utterly abandoned prosecution of this action.” *Dudley v. City of Birmingham*, 2014 WL 4166773, at \*3 (N.D. Ala. Feb 3, 2014).

## CONCLUSION

Because Pleasant has failed to heed this court's warnings and orders, the court finds that this action is due to be **DISMISSED with prejudice**. A final judgment will be entered contemporaneously with this memorandum opinion.

**DONE** this 4th day of June, 2021.

  
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**COREY L. MAZE**  
UNITED STATES DISTRICT JUDGE