

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

**EDWIN MCINTYRE & CO., INC.,** )  
**THREE MAC INVESTMENTS, INC.,** )  
**MACEVA, INC., and EDWIN M.** )  
**(MARC) MCINTYRE, JR., individually,** )  
**Plaintiffs,** )

vs. )

**Civil Action No. 10-0658-CG-M**

**MARGARET FEDOR, MARK FEDOR,** )  
**FEDERAL DEPOSIT INSURANCE** )  
**CORPORATION, and BANK OF** )  
**EVERGREEN,** )  
**Defendants.** )

**ORDER**

This matter is before the court on the motions to dismiss for failure to prosecute filed by the Federal Deposit Insurance Corporation on January 20, 2011 (Doc. 8), and by the Bank of Evergreen filed on January 21, 2011 (Doc. 10).

The court finds that the motions are well taken, and are hereby **GRANTED**.

In light of the court's order advising the plaintiffs that their case would be dismissed for failure to prosecute if they did not comply with the order to retain new counsel (Doc. 5), the plaintiffs having not complied with the order even after the stay granted on December 1, 2010 (Doc. 6) expired on January 14, 2011, and upon due consideration of the alternatives that are available to the court, it is **ORDERED** that this action be **DISMISSED WITHOUT PREJUDICE** pursuant to Rule 41(b) of the Federal Rules of Civil Procedure for failure to comply with the court's orders and to prosecute this action. See Link v. Wabash R. R., 370 U.S.

626, 630, 82 S.Ct. 1836, 8 L.Ed.2d 734 (1962) (interpreting Rule 41(b) not to restrict the court's inherent authority to dismiss sua sponte an action for lack of prosecution).

**DONE and ORDERED** this 24th day of January, 2011.

/s/ Callie V. S. Granade  
UNITED STATES DISTRICT JUDGE