

IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF ARKANSAS  
WESTERN DIVISION

ANGELA M. LEE,

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Plaintiff,

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vs.

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No. 4:11CV00236 SWW

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LIMITED BRANDS STORE OPERATIONS,  
INC. and VICTORIA'S SECRET STORES  
LLC,

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Defendants.

**Memorandum and Order**

Before the Court is defendant's motion to dismiss for lack of prosecution and failure to comply with the order of this Court. Plaintiff failed to timely respond to the motion.<sup>1</sup>

By previous Order the Court informed the plaintiff of her responsibility to be familiar and comply with all the Federal Rules of Civil Procedure as well as the Local Rules of this Court. The Court told her that failure to comply with the rules could result in dismissal of her claim.<sup>2</sup>

On January 12, 2102, the Court directed plaintiff to immediately respond to defendant's discovery requests and provide defendant with dates for a deposition. The Court again warned her that failure to abide by the Court's Order could result in dismissal of her case. According to defendant, plaintiff failed to comply with the Court's discovery order, and the record reflects plaintiff did not file a response to any of the defendants' previous motions or participate in the

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<sup>1</sup>Local Rule 7.2(b) requires that within fourteen (14) days from the date of service of copies of a motion and supporting papers, a party opposing the motion must file a response to the motion.

<sup>2</sup>See docket entry 5.

Rule 26(f) conference.

Local Rule 5.5(c)(2) provides that a party appearing *pro se* has the duty to prosecute her action diligently. Federal Rule of Civil Procedure 41(b) provides that if a plaintiff fails to prosecute or comply court orders, the defendant may move for dismissal. Under Fed.R.Civ.P. 37(b)(2)(v), one of the available sanctions for a party's failure to comply with a discovery order is dismissal of the action. Because the plaintiff has failed to prosecute her case and failed to comply with the Court's January 2012 Order, the Court finds that her complaint should be dismissed.

IT IS THEREFORE ORDERED that defendant's motion to dismiss [docket entry 37] is granted. Plaintiff's complaint is dismissed with prejudice. Judgment will be entered accordingly.

DATED this 2<sup>nd</sup> day of March, 2012.

/s/Susan Webber Wright

UNITED STATES DISTRICT JUDGE