

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

MICHELLE A. DYER,

Plaintiff,

v.

Case No: 2:11-cv-577-FtM-38DNF

HARBOR FUNDING GROUP, INC.
and MICHAEL D. GARBER,

Defendants.

ORDER¹

This matter comes before the Court on review of the file. On September 3, 2013, Defendant Michael D. Garber filed an Answer to Second Amended Complaint and asserted a cross-claim against Defendant Harbor Funding Group, Inc. ([Doc. #68 at 13-14](#)). To date, Defendant Harbor Funding has not answered the cross-claim.

On May 27, 2014, the Court ordered Defendant Garber to show cause why it should not dismiss the cross-claim for improper service on Defendant Harbor Funding and/or for failure to prosecute. ([Doc. #88](#)). Importantly, the Court cautioned Plaintiff that his failure to comply with its Order would result in the dismissal of his cross-claim without further notice. ([Doc. #88](#)). Despite the Court's caution, Defendant Garber has not filed a response to the Court's Order ([Doc. #88](#)), and the time to do so has expired. The Court,

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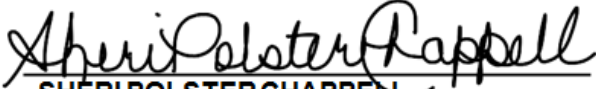
therefore, will dismiss Defendant Garber's cross-claim against Defendant Harbor Funding Group, Inc. without prejudice.

Accordingly, it is now

ORDERED:

Defendant Michael D. Garber's cross-claim against Defendant Harbor Funding Group, Inc. is **DISMISSED without prejudice**. ([Doc. #68](#)).

DONE and **ORDERED** in Fort Myers, Florida this 9th day of June, 2014.


SHERI POLSTER CHAPPELL
UNITED STATES DISTRICT JUDGE

Copies: All Parties of Record

