

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
FORT MYERS DIVISION

FIRST MUTUAL GROUP, LP,

Plaintiff,

v.

Case No: 2:14-cv-673-FtM-38MRM

DONALD R. WARD, JR. ,

Defendant.

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**ORDER**<sup>1</sup>

On September 25, 2015, Defendant alerted the Court that Plaintiff has been unresponsive, making it impossible to meet, confer, and prepare a joint case management report, as required by M.D. Fla. R. 3.05. ([Doc. #23](#)). After hearing these allegations, the Court ordered Plaintiff to contact Defendant, in person or telephonically, to prepare and file the joint case management report. ([Doc. #28](#)). The Court warned Plaintiff that failure to comply might result in dismissal of this action for failure to prosecute. ([Doc. #28](#)). Plaintiff failed to comply with the Court's Order.

Now, Plaintiff failed to appear at a pre-scheduled Preliminary Pretrial Conference, and has yet to contact Defendant. ([Doc. #30](#)). Due to this blatant disregard for the Court's Orders, this action is dismissed with prejudice for failure to prosecute and failure to

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comply.<sup>2</sup> See [Rance v. Rocksolid Granit USA, Inc.](#), 489 F. App'x 314, 316 (11th Cir. 2012) (“As part of its inherent authority to regulate its docket, a district court may *sua sponte* dismiss a case for failure to prosecute or failure to comply with court orders.”).<sup>3</sup>

Accordingly, it is now

**ORDERED:**

1. The Court vacates the October 19, 2015 Order ([Doc. #31](#)) and issues this Order.
2. This action is **DISMISSED with prejudice** for Plaintiff’s failure to prosecute and failure to comply with the Court’s Orders.
3. The Clerk is directed to terminate any pending motions and deadlines and enter judgment accordingly.
4. The Court will retain jurisdiction over this action to entertain a motion for attorney’s fees. Defendant has thirty (30) days to file this motion, if he wishes to do so.

**DONE** and **ORDERED** in Fort Myers, Florida, this 20th day of October, 2015.

  
SHERI POLSTER CHAPPELL  
UNITED STATES DISTRICT JUDGE

Copies: All Parties of Record

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<sup>2</sup> Notably, Plaintiff has had no less than twenty two cases dismissed in this District for failure to prosecute.

<sup>3</sup> The Court issued a substantially identical Order on October 19, 2015 ([Doc. #31](#)). However, that Order contained a scrivener’s error in the ordered clause. The Court therefore vacates the October 19, 2015 Order.