

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION**

SHAUN DEION SWINSON, SR.,

Plaintiff,

v.

CASE NO.: 3:09-cv-608-J-32TEM

FED EX NATIONAL LTL CORPOATE
HEADQUARTERS,

Defendant.

ORDER

This case is before the Court on Defendant Fedex National, LTL, Inc.'s Motion to Dismiss and Motion to Quash Service of Process (Doc. 13). Despite being given ample opportunity to respond, see Order Mandating Plaintiff's Response (Doc. 14) and Order Granting Plaintiff's Motion for Extension of Time to File Response (Doc. 16), and a warning that failure to respond would likely result in the dismissal of his case for failure to prosecute, Plaintiff Shaun Deion Swinson, Sr. has declined to respond to Defendant's motion.

"The [C]ourt may dismiss a claim if the plaintiff fails to prosecute it or fails to comply with a [C]ourt order." Equity Lifestyle Prop. Inc. v. Fla. Mowing & Landscape, 556 F.3d 1232, 1240 (11th Cir. 2009). Here Plaintiff has not prosecuted his case, nor has he complied with the Court's orders to file a response to Defendant's motion. Thus, the case is due to be dismissed for failure to prosecute.¹

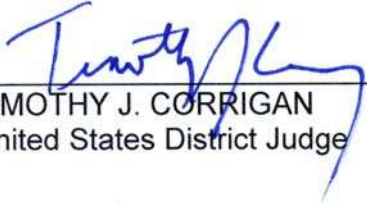
¹ Defendant's motion appears to contain meritorious arguments. However, because the Court dismisses Plaintiff's claim for failure to prosecute, it need not address the substance of Defendant's motion. Also, a review of the record leaves the Court uncertain as to whether it has jurisdiction. Again, because the Court dismisses Plaintiff's claim for

Accordingly, it is hereby

ORDERED:

This action is **DISMISSED without prejudice** due to failure to prosecute. The clerk is directed to terminate all pending motion and close the file.

DONE and **ORDERED** in Chambers in Jacksonville, Florida, this 11th day of April, 2012.


TIMOTHY J. CORRIGAN
United States District Judge

kh.
copies to:
pro se plaintiff
counsel of record

failure to prosecute, it declines to discuss further any jurisdictional issues.