

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

CHARLES CRABLE,

Plaintiff,

v.

Case No: 6:16-cv-544-Orl-37TBS

**PREMIER BATHS, INC. and BILL
KELLY,**

Defendants.

ORDER

This cause is before the Court on the Plaintiff's response to the Court's Order to Show Cause (Doc 69) filed August 12, 2016.

A brief procedural history of the case is as follows. A complaint was filed on September 4, 2015 in the Northern District of New York. On March 31, 2016 the case was transferred to the Middle District of Florida. An Order to Show Cause was entered May 2, 2016 for failure to prosecute in that no responsive pleading had been filed. Subsequently, a Motion for Default was filed and granted against both Defendants Premier Baths, Inc. and Bill Kelly (Doc 65). On August 2, 2016, the Court entered another Order to Show Cause (Doc 68) again for failure to prosecute by not filing a motion for default judgment. (Doc 68).

We are here now on the Plaintiff's response to the most recent order to show cause (Doc 69). In the response, Plaintiff states that "Counsel has been contemporaneously preparing the Motion for Summary Judgment and obtaining the Affidavit(s) for filing in support thereof to file in this matter to progress the case and working expeditiously to so. The Motion for Summary Judgment and Affidavit(s) will be filed on or before Monday,

August 15, 2016.”

Not only is a Motion for Summary Judgment an inappropriate motion to file at this juncture in the case, but nothing has been filed and the time stated in the response has passed.

Being that the Plaintiff is now and has been represented by counsel since May 13, 2016, there is no excuse for failing to move this case forward. Accordingly, it is

ORDERED that this case **is DISMISSED WITHOUT PREJUDICE**. The Clerk is directed to close the file.

DONE AND ORDERED at Orlando, Florida this 29th day of August, 2016.




ROY B. DALTON JR.
United States District Judge

Copies: Counsel of Record