

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

**CLEVE DUBOIS, on behalf of
himself and on behalf of all others
similarly situated,**

Plaintiff,

vs.

Case No. 8:17-cv-260-T-27AEP

**LIBERATO, LLC d/b/a MAACO
COLLISION REPAIR & AUTO PAINTING,**

Defendant.

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ORDER

ON JULY 31, 2017, this Court entered an Order directing Plaintiff to appear personally at a status conference scheduled for August 23, 2017. (Dkt. 14). The Order expressly stated: “*FAILURE OF PLAINTIFF TO APPEAR AT SAID CONFERENCE . . . SHALL RESULT IN THE DISMISSAL OF THIS CAUSE . . .*” (Dkt. 14). Plaintiff failed to appear, *pro se* or through newly retained counsel, at said hearing. The Court finds, based on Plaintiff’s willful failure to comply with this Order, that lesser sanctions will not suffice. *Pierce v. City of Miami*, 176 F. App’x 12, 14 (11th Cir. 2006). Accordingly, this case is **DISMISSED** without prejudice. All pending motions are **DENIED** as moot. The clerk is directed to **CLOSE** this case.

DONE AND ORDERED this 24th day of August, 2017.



JAMES D. WHITTEMORE
United States District Judge

Copies to: Counsel of record;
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