

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF FLORIDA  
GAINESVILLE DIVISION

RODELIN DEMPAIRE, et al.,

Plaintiffs,

v.

CASE NO.: 1:10cv96-SPM/GRJ

STEVEN DAVIS, et al.,

Defendants.

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**ORDER**

This cause comes before the Court on its own motion. On April 23, 2012, Plaintiff Rodelin Dempaire's counsel filed a motion to withdraw from representation (doc. 133). As the basis for this motion, counsel indicated that she has been unable to locate Plaintiff and could therefore not proceed with Plaintiff's claims against Defendants. On May 10, 2012, the Court granted that motion (doc. 140). The Order directed Plaintiff to file a notice of appearance by his new lawyer, request additional time to find a new lawyer, or indicate that he will proceed *pro se* by May 23, 2012. The clerk sent a copy of the Order to Plaintiff at his last known address, but it was returned as undeliverable and unable to forward (doc. 148). In addition to Plaintiff's failure to contact his lawyer or provide the Court with an updated address, he has also failed to file a

response to Defendants' Motion for Summary Judgment as to H-2A Workers and Incorporated Memorandum of Law (doc. 135). It is clear that Plaintiff's actions constitute an abandonment of his case and a failure to prosecute. Pursuant to Federal Rule of Civil Procedure 41(b), a case can be dismissed for a plaintiff's failure to prosecute. Accordingly, it is

**ORDERED and ADJUDGED** that the claims brought by Rodelin Dempaire are **dismissed without prejudice** due to his abandonment of the case and failure to prosecute.

DONE AND ORDERED this 30th day of May, 2012.

*S/ Stephan P. Mickle*  
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Stephan P. Mickle  
Senior United States District Judge