

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF GEORGIA  
VALDOSTA DIVISION**

**FLOWERS BROTHERS PRODUCE :  
CO., LLC, :**

Plaintiff, :

v. :

Civil Action No. 7:08-cv-74(HL)

**STEVE SUMNER, individually and :  
d/b/a SUMNER FARMS, :  
D & E FARMS, INC., and :  
ROBERT ERLEMEIER, individually, :  
and LESTER ERLEMEIER, :  
individually, :**

Defendants. :

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**ORDER**

In its Order entered on April 15, 2009 allowing Jason R. Klinowski, Nowell D. Berreth, and Mike H. Shanlever to withdraw as counsel for Plaintiff (Doc. 62), the Court instructed Plaintiff to contact the Court no later than April 30, 2009, and to advise the Court whether it desired to proceed with this case. Plaintiff was warned that if no timely response was received, the case may be dismissed.

Plaintiff has not contacted the Court as directed. Pursuant to Federal Rule of Civil Procedure 41(b), this case is **DISMISSED WITHOUT PREJUDICE** for Plaintiff's failure to comply with the Court's Order.

The clerk is directed to serve Plaintiff with a copy of this Order by mailing said copy to the last address provided by it or otherwise made known to the Court.

**SO ORDERED**, this the 4<sup>th</sup> day of May, 2009.

***s/ Hugh Lawson***  
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**HUGH LAWSON, SENIOR JUDGE**

mbh