

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

SHIRLEY ANN GLEES,

Plaintiff,

v.

1:14-cv-2252-WSD

DAVIS EXPRESS, INC.,

Defendant.

OPINION AND ORDER

This matter is before the Court on Defendant Davis Express Inc.'s ("Defendant") Motion to Dismiss the Complaint for Plaintiff's failure to obey a lawful Order of the court.

On October 16, 2014, the Court entered an Order allowing Plaintiff's attorney to withdraw from this case, and Ordered the Plaintiff to advise the Court, on or before November 10, 2014, whether she plans to proceed pro se or retain new counsel. The Court warned Plaintiff that failure to comply with the Order would result in the dismissal of this action. To date, Plaintiff has not filed a response to the Court's October 16, 2014, Order.

Local Rule 41.3 provides that the Court may dismiss a civil case for want of

prosecution if a plaintiff fails to obey a lawful Order of the Court. L.R. 41.3 A.(2), N.D. Ga. Plaintiff failed to respond by the deadline set by the Court's October 16, 2014, Order. See id. Because Plaintiff failed to obey a lawful Order of the Court, the Court is required to dismiss this action without prejudice.

Accordingly, for the foregoing reasons,

IT IS HEREBY ORDERED that the Defendant's Motion to Dismiss the Complaint without prejudice is **GRANTED**.¹

IT IS FURTHER ORDERED that this action is **DISMISSED WITHOUT PREJUDICE** for failure to obey a lawful Order of the Court, pursuant to L.R. 41.3 A.(2), N.D. Ga.

¹ Defendant's Motion to Dismiss the Complaint with prejudice is **DENIED**. A dismissal with prejudice "is not appropriate unless the district court finds both that a clear record of delay or willful misconduct exists, and that lesser sanctions are inadequate to correct such conduct." Stephenson v. Warden, Doe, 554 F. App'x 835, 837 (11th Cir. 2014). There is no evidence of a clear record of delay or willful misconduct, or evidence that lesser sanctions are inadequate to correct Plaintiff's conduct. The Complaint is thus required to be dismissed without prejudice.

SO ORDERED this 19th day of November 2014.

A handwritten signature in blue ink that reads "William S. Duffey, Jr." written in a cursive style.

WILLIAM S. DUFFEY, JR.
UNITED STATES DISTRICT JUDGE