

IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA
SAVANNAH DIVISION

MALLIE J. SECKINGER,)	
)	
Plaintiff,)	
)	
vs.)	Case No.: CV415-304
)	(Rel. Case: CV415-306)
EQUIFAX INFORMATION)	
SERVICES, LLC,)	
)	
Defendant.)	

ORDER

As summarized in the Court's Order to Show Cause (OSC), the joint discovery report in this case was due on May 16, 2016. Doc. 10. No report was filed. The Court therefore directed plaintiff Mallie Seckinger to show cause why this case should not be dismissed for abandonment and violation of a Court rule. *Id.* Having failed to comply, the Court recommended dismissal of the action for lack of prosecution and for failure to obey a Court order. Doc. 11. *See* Fed. R. Civ. P. 41(b) (authorizing district courts to dismiss an action for failure to obey a

court order); L.R. 41.1(c) (authorizing district court to dismiss for lack of prosecution).

Plaintiff objects that his failures to timely file his Rule 26(f) Joint Preliminary Report or respond to the OSC were due to excusable neglect by counsel, there is no danger of prejudice to defendants, and both this case and the related case are moving along satisfactorily. Doc. 13 (representing that his counsel failed to appreciate an answer had been filed in this case and the parties have now scheduled their 26(f) conference and are prepared to immediately file the required documents). He further asks the Court grant him leave to file a late 26(f) Rule report. Doc. 15.¹

According, plaintiff's request for leave to file a late report is **GRANTED**, doc. 15, and the OSC, doc. 10, and the Report and Recommendation recommending dismissal, doc. 11, are **VACATED**. The parties are **ORDERED** to file their Rule 26(f) joint report by no later than September 23, 2016.

¹ In fact, plaintiff filed essentially the exact same document in three separate docket submissions, as a "response" to the Court's OSC and R&R, as an "objection" to the R&R, and finally as a "motion for extension of time to file late joint preliminary report and discovery plan." The Court construes the copy filed at doc. 15 as an additional request for leave to file a late Rule 26(f) report, and advises Seckinger that in the future, a single copy filed to the docket will suffice to put the Court on notice of her objection to the R&R.

SO ORDERED, this 19th day of September, 2016.

A handwritten signature in blue ink, appearing to read "J.R. Smith", is written above a horizontal line.

UNITED STATES MAGISTRATE JUDGE
SOUTHERN DISTRICT OF GEORGIA