

FILED
U.S. DISTRICT COURT
SAVANNAH DIV.

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

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KUSUMBEN I. PATEL,)
)
Plaintiff,)
)
v.)
)
UNITED STATES OF AMERICA,)
)
Defendant)
)

CASE NO. CV417-102

O R D E R

Before the Court is the Government's Motion to Dismiss. (Doc. 12.) In its motion, the Government requests that Plaintiff's complaint be dismissed due to Plaintiff's failure to prosecute this action. (Id.) Under Federal Rule of Civil Procedure 41(b), if a "plaintiff fails to prosecute or to comply with these rules or a court order, a defendant may move to dismiss the action or any claim against it."

In this case, the record shows that Plaintiff's complaint was filed on May 11, 2017, and later removed to this Court on June 12, 2017. (Doc. 1.) Initially, Plaintiff was represented by attorney Garrett R. Greiner. On October 16, 2017, however, Plaintiff's attorney filed a motion to withdraw citing "Plaintiff's unwillingness or inability to cooperate and communicate." (Doc. 8 at ¶ 4.) On December 5, 2017, Magistrate Judge Smith granted Plaintiff's counsel's request. (Doc. 11.) On December 18, 2017, the Government then filed this current

Motion to Dismiss. (Doc. 12.) As of the date of this order, Plaintiff has provided no response to the Government's motion. Additionally, Plaintiff has made no attempt to conduct discovery. When viewing the record, it is apparent that Plaintiff has failed to prosecute this action. As a result, the Government's motion is **GRANTED**. Accordingly, Plaintiff's complaint is **DISMISSED WITHOUT PREJUDICE**. The Clerk of Court is **DIRECTED** to close this case.

SO ORDERED this 16th day of April 2018.



WILLIAM T. MOORE, JR.
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA