

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA
SAVANNAH DIVISION**

MARILYN P. HARRIS,)
)
Plaintiff,)
)
v.)
)
WAL-MART STORES INC.;)
WAL-MART STORES EAST, LP)
)
Defendants.)

CV418-028

REPORT AND RECOMMENDATION

Defendants have informed the Court that plaintiff has not complied — after being granted multiple opportunities to do so, *see* docs. 21, 25, 30 — with the Court’s Order that she meaningfully respond to defendants’ outstanding discovery requests. Docs. 32 & 33; *see* doc. 31 (order vacating Order to Show Cause because it appeared plaintiff had finally complied). Plaintiff has been given opportunity after opportunity, guidance and extended time and has declined to obey this Court’s orders. Her willful refusal to comply with either her discovery obligations or this Court’s orders warrants dismissal for abandonment and failure to comply. *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(a) & (c) (authorizing district court

to dismiss for failure to abide discovery obligations and for lack of prosecution); *Link v. Wabash R.R. Co.*, 370 U.S. 626, 630-31 (1962) (courts have the inherent authority to dismiss claims for lack of prosecution); *Collins v. Lake Helen, L.P.*, 249 F. App'x 116, 120 (11th Cir. 2007) (“[D]istrict court[s] possesses the inherent power to police [their] docket[s]” and to prune out those cases left to languish by their litigants).

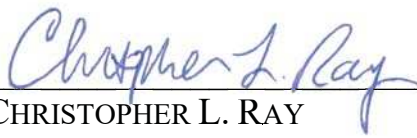
In sum, plaintiff’s Complaint should be **DISMISSED**.¹ This Report and Recommendation (R&R) is submitted to the district judge assigned to this action, pursuant to 28 U.S.C. § 636(b)(1)(B) and this Court’s Local Rule 72.3. Within 14 days of service, any party may file written objections to this R&R with the Court and serve a copy on all parties. The document should be captioned “Objections to Magistrate Judge’s Report and Recommendations.” Any request for additional time to file objections should be filed with the Clerk for consideration by the assigned district judge.

After the objections period has ended, the Clerk shall submit this R&R together with any objections to the assigned district judge. The

¹ Given the Court’s recommendation that’s plaintiff’s Complaint be dismissed for failure to comply with a Court order, defendant’s motions to vacate and for reconsideration of the Court’s order terminating its Order to Show Cause (docs. 32 & 33) are further deemed **MOOT**.

district judge will review the magistrate judge's findings and recommendations pursuant to 28 U.S.C. § 636(b)(1)(C). The parties are advised that failure to timely file objections will result in the waiver of rights on appeal. 11th Cir. R. 3-1; see *Symonett v. V.A. Leasing Corp.*, 648 F. App'x 787, 790 (11th Cir. 2016); *Mitchell v. United States*, 612 F. App'x 542, 545 (11th Cir. 2015).

SO REPORTED AND RECOMMENDED, this 31st day of January, 2019.



CHRISTOPHER L. RAY
UNITED STATES MAGISTRATE JUDGE
SOUTHERN DISTRICT OF GEORGIA