

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF ILLINOIS

ORDER

On July 10, 2012, a Report and Recommendation [#37] was filed in the above-captioned case by United States Magistrate Judge Byron G. Cudmore recommending dismissal of the case as a sanction for willful failure to comply with the Court's orders.

Discussion

The facts were given in detail in the R&R, but by way of summary, the original Complaint [#1] was filed on August 19, 2010, and an Amended Complaint [#2] and Second Amended Complaint [#9] were filed October 4, 2010 and December 4, 2010, respectively. Defendant filed a Motion to Dismiss [#10] which was denied, and after unsuccessfully attempting to schedule this matter for mediation, a Scheduling Order [#25] was entered December 2, 2011. Plaintiff's counsel filed a Motion to Withdraw from the case on March 6, 2012 due to irreconcilable differences and that motion was allowed. On May 7, 2012, Defendant filed a Motion to Compel alleging Plaintiff's failure to respond to interrogatories requests for production. Defendant noted several correspondences with Plaintiff's counsel when he was still retained, and contacts with her after counsel's Motion to Withdraw was granted. On June 6, 2012, Defendant filed a status report indicating that Plaintiff had failed to comply with discovery and had no success in attempting to contact Plaintiff. On June 7, 2012, Magistrate Cudmore

directed Plaintiff to file a written response to the status report by June 18, 2012. Plaintiff did not reply and Magistrate Cudmore, *sua sponte*, granted an extension to July 5, 2012, which the Plaintiff failed to comply with. Magistrate Cudmore then recommended dismissal for failure to comply with discovery pursuant to Fed. R. Civ. P. 37(b)(2).

The Court agrees with the findings and reasoning of Magistrates Report and Recommendation. The Court therefore adopts the Report and Recommendation and the case is DISMISSED with prejudice.

ENTERED this 31st day of July, 2012.

/s/ James E. Shadid
James E. Shadid
Chief United States District Judge