

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
FORT WAYNE DIVISION**

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|---------------------------|---|-------------------------------|
| PAUL BIRCHMAN and |) | |
| KATHY BIRCHMAN |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | CASE NUMBER: 1:19 CV 0128-HAB |
| |) | |
| UNITED STATES OF AMERICA, |) | |
| |) | |
| Defendant. |) | |
| _____ |) | |

OPINION AND ORDER

This matter is before the Court subsequent to an Opinion and Order entered on January 6, 2021, wherein the Court directed the Plaintiffs to show cause why this case should not be dismissed for failure to prosecute and failure to comply with the discovery process. (ECF No. 21). Plaintiffs were ordered to respond on or before January 20, 2021, and were warned that a failure to respond would result in dismissal of the action without further notice. The time to respond has now passed with no response from the Plaintiffs. Accordingly, the Defendant’s Motion to Dismiss Plaintiffs’ Complaint for Failure to Prosecute (ECF No. 19) is GRANTED. The CLERK is directed to DISMISS this case and enter judgment in favor of the Defendant.

SO ORDERED on January 22, 2021.

s/ Holly A. Brady
JUDGE HOLLY A. BRADY
UNITED STATES DISTRICT COURT