

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF INDIANA
SOUTH BEND DIVISION**

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|------------------------------------|---|-----------------------|
| TIMOTHY L. BRADDY, <i>et al.</i> , |) | |
| |) | |
| Plaintiffs, |) | |
| |) | |
| vs. |) | CAUSE NO. 3:10-CV-471 |
| |) | |
| CUMMINS INC., <i>et al.</i> , |) | |
| |) | |
| |) | |
| Defendants. |) | |

ORDER

This matter is before the Court on Magistrate Judge Christopher A. Nuechterlein's Report and Recommendation, filed on June 20, 2013 (DE #30). Upon due consideration, the Court hereby **ADOPTS** the Report and Recommendation. Accordingly, the Clerk is **ORDERED** to **DISMISS THIS CASE WITHOUT PREJUDICE**.

On May 29, 2013, this Court ordered Plaintiffs to show cause by June 14, 2013, why this case should not be dismissed for failure to comply with the Court's local rules. Specifically, only members of the Court's bar may represent parties before this Court, and in this case, Plaintiffs' counsel, Michael C. Hudson, was first notified that he was not admitted to the bar of this Court on December 20, 2010. On January 3, 2011, Mr. Hudson advised the Court he was aware he was not a member of the bar of this Court and is in violation of this Court's local rules. In June 2013, Mr.

Hudson once again informed the Court he was aware he was not a member of the bar of this Court, that he does not intend to seek admission to the bar, and that he does not intend to make any filings in the case as a result. To date, Plaintiffs have not responded to this Court's order to show cause.

Under Federal Rule of Civil Procedure 41(b), a plaintiff's case may be dismissed for failure to prosecute his claim or to comply with court orders. Plaintiffs have failed to comply with this Court's order and have made no effort to prosecute their claim since it was transferred to this Court on November 9, 2010. Moreover, they have provided no written documentation explaining their inaction. Magistrate Nuechterlein assumed that Plaintiffs have abandoned their case, and this Court reaches the same assumption.

More than 14 days has passed and no party has filed any objection to the Report and Recommendation. Fed. R. Civ. P. 72(b)(2); *see also Willis v. Caterpillar, Inc.*, 199 F.3d 902, 904 (7th Cir. 1999) (explaining that the failure to file a timely objection will result in the waiver of the right to challenge a report and recommendation). Therefore, this Court adopts Magistrate Nuechterlein's Report and Recommendation.

DATED: July 17, 2013

**/s/ RUDY LOZANO, Judge
United States District Court**