

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

| | | |
|---------------------------------|---|----------------------|
| LISA ANTONACCI, <i>et al.</i> , |) | |
| <i>Plaintiffs,</i> |) | |
| |) | |
| <i>vs.</i> |) | 1:12-cv-1882-JMS-DKL |
| |) | |
| DEPARTMENT OF THE NAVY, |) | |
| <i>Defendant.</i> |) | |

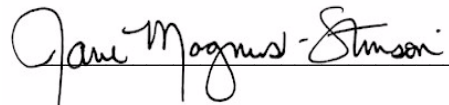
ORDER

Magistrate Judge LaRue held a show cause hearing on September 23, 2013, because Plaintiffs had failed to appear at the scheduled initial pretrial conference. The Plaintiffs failed to appear at the show cause hearing, despite the fact that the Court mailed notices of the hearing to two addresses¹ and the Magistrate Judge warned them that she would recommend their case be dismissed if they failed to appear. [Dkt. 16.] In light of Plaintiffs' failure to appear, Magistrate Judge LaRue has recommended that their case be dismissed for failure to prosecute. [Dkt. 19.]

A party "cannot decide for itself when it feels like pressing its action and when it feels like taking a break." *GCIU Employer Retirement Fund v. Chicago Tribune Co.*, 8 F.3d 1195, 1198-1199 (7th Cir. 1993). Because Plaintiffs have failure to prosecute this action, the Court adopts Magistrate Judge LaRue's recommendation and finds it appropriate to **DISMISS** this action **WITHOUT PREJUDICE** pursuant to Federal Rule of Civil Procedure 41(a)(2). Any pending deadlines are **VACATED** and all pending motions are **DENIED AS MOOT**. Final judgment shall issue accordingly.

¹ The Notices sent to one of the addresses were returned as undeliverable. [Dkts. 17; 18.]

10/07/2013



Hon. Jane Magnus-Stinson, Judge
United States District Court
Southern District of Indiana

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