

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

JOHN DOE,)	
)	
Plaintiff,)	
)	
v.)	No. 1:17-cv-00617-TWP-MPB
)	
IC SYSTEM,)	
)	
Defendant.)	

REPORT AND RECOMMENDATION

On February 28, 2017, Defendant removed this case from the Small Claims Court of Center Township to this Court. Upon removal, the Plaintiff appeared anonymously under the pseudonym “John Doe.” On March 21, 2017, this Court Ordered Plaintiff to file a motion requesting leave to proceed in this action anonymously by April 11, 2017. ([Docket No. 6](#)). As of the date of this Order, Plaintiff has not complied with the Court’s March 21, 2017, Order.

On May 22, 2017, a status conference was held before the Magistrate Judge during which the Magistrate Judge granted Plaintiff leave to file a motion to substitute Plaintiff’s name in place of John Doe on or before May 26, 2017 ([Docket No. 12](#)). As of the date of this Order, Plaintiff has not complied with the Court’s May 22, 2017, Order.

On July 15, 2017, the Court entered an Order to Show Cause ([Docket No. 15](#)), giving Plaintiff thirty (30) days to show good cause for the failure to file a motion to substitute Plaintiff’s name in place of John Doe. As of the date of this Order, Plaintiff has not complied with the Court’s July 15, 2017, Show Cause Order.

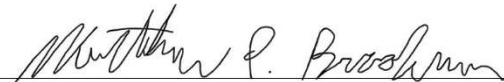
Federal Rule of Civil Procedure 41(b) provides that a court may dismiss an action “[i]f the plaintiff fails to prosecute or to comply with these rules or a court order...” [Fed. R. Civ. P.](#)

[41\(b\)](#). In addition, the Court has the inherent power to sanction conduct that abuses the judicial process, and such power is governed “not by rule or statute but by the control necessarily vested in courts to manage their own affairs so as to achieve the orderly and expeditious disposition of cases.” [Barnhill v. U.S.](#), 11 F.3d. 1360, 1367 (7th Cir. 1993). “Pursuant to this power, a court may impose the severe sanction of dismissal with prejudice... if the circumstances so warrant.” *Id.*

For the reasons set forth above, the Magistrate Judge, *sua sponte*, recommends that this matter be **DISMISSED WITHOUT PREJUDICE**. Any objections to this report and recommendation must be filed in accordance with [28 U.S.C. § 636\(b\)\(1\)](#) and [Fed. R. Civ. P. 72\(b\)](#). Failure to file objections within fourteen (14) days after service will constitute a waiver of subsequent review absent a showing of good cause for such failure.

IT IS SO RECOMMENDED.

Dated: August 17, 2017



Matthew P. Brookman
United States Magistrate Judge
Southern District of Indiana

Served electronically on all ECF-registered counsel of record.