

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

CHASSIDY CRADDOCK,)
)
Plaintiff,)
)
v.) Case No. 12-2569-JAR
)
STRATUS BUILDING SOLUTIONS,)
)
Defendant.)

ORDER

On August 30, 2012, the pro se plaintiff, Chassidy Craddock, filed this Title VII employment discrimination suit against her former employer, Stratus Building Solutions (doc. 1). The undersigned U.S. Magistrate Judge, James P. O’Hara, set a scheduling conference for November 20, 2012, at 9:00 a.m. in Courtroom 236 (doc. 12). A copy of the order setting the scheduling conference was mailed via regular and certified mail to Ms. Craddock. Although defendant’s attorney appeared at the scheduling conference, Ms. Craddock failed to appear.

Defense counsel reported that he did reach Ms. Craddock by telephone to discuss a case management plan. After discussing only a few items on the court-prescribed agenda, though, Ms. Craddock hung up on defense counsel.

The court has made numerous unsuccessful attempts to contact Ms. Craddock. All certified mail sent to her address of record has been returned as undeliverable (docs. 13–14). Notably, however, none of the court’s regular mailings have been returned by the

U.S. Post Office, and therefore the court presumes all of those mailings were delivered to Ms. Craddock.¹ In any event, after Ms. Craddock failed to appear at the scheduling conference, the court attempted to call her, but the telephone number she provided was answered by an automated service stating she was “not accepting calls at this time.”

As a pro se litigant, Ms. Craddock is obligated to notify the Clerk of the Court in writing of any change of address or telephone number.² She has failed to satisfy this requirement. She also has failed to meaningfully meet with counsel to develop a case management plan, and also failed to appear for the scheduling conference with the court, both of which are direct violations of the court’s orders. Simply put, the court cannot and will not allow Ms. Craddock, or any other litigant, to file a case and then ignore that case. Accordingly, Ms. Craddock is ordered to show cause in writing by **December 17, 2012** why this case should not be dismissed, with prejudice to the case ever being re-filed later, for lack of prosecution under Fed. R. Civ. P. 41(b).

IT IS SO ORDERED.

Dated November 26 2012, at Kansas City, Kansas.

s/ James P. O’Hara
James P. O’Hara
U. S. Magistrate Judge

¹ See *Moya v. United States*, 35 F.3d 501, 504 (10th Cir. 1994) (stating that the “law presumes delivery of a properly addressed piece of mail”).

² D. Kan. Rule 5.1(c)(3).