

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF KENTUCKY
CENTRAL DIVISION at LEXINGTON

CIVIL ACTION NO. 13-52-KSF

HEIDI K. ERICKSON

PLAINTIFF

v.

OPINION & ORDER

JOSEPH FINK, III

DEFENDANT

* * * * *

The plaintiff, Heidi K. Erickson, filed this *pro se* action against the defendants asserting various federal and state claims related to their alleged failure to make reasonable accommodations for her disability and by finding her guilty of plagiarism. On October 3, 2013, the Court dismissed all of Erickson's claims except for her claim against Joseph Fink, III, individually, pursuant to 42 U.S.C. § 1983 [DE #11]. On December 23, 2013, a Scheduling Order was entered [DE #18]. At the defendant's request, a telephonic conference before Magistrate Judge Robert Wier was held on January 30, 2014 to address the defendant's contention that Erickson had failed to make her initial disclosures as required by Rule 26(a) of the Federal Rules of Civil Procedure. Erickson failed to appear for this telephonic conference [DE #21]. Magistrate Judge Wier set this matter for a Show Cause Hearing on February 10, 2014 [DE #22]. Erickson failed to appear at this hearing, and the defendant moved to dismiss this matter for failure to prosecute [DE #24].

In his Recommended Disposition of February 10, 2014, Magistrate Judge Wier recounted Erickson's repeated failures to comply with Court orders [DE #25]. In light of these failures and the

defendant's motion to dismiss for failure to prosecute, Magistrate Judge Wier determined that dismissal pursuant to Rule 41(b) of the Federal Rules of Civil Procedure is the appropriate sanction.

Erickson has failed to file any objections to the Recommended Disposition, and the time for so filing has expired. As a result, the Court has no further duty to independently review this matter. *Thomas v. Arn*, 474 U.S. 140, 149 (1985). However, upon review, the Court agrees with the findings and recommendations of the magistrate judge.

Accordingly, **IT IS HEREBY ORDERED** as follows:

- (1) the Recommended Disposition [DE #25] is **ADOPTED** as and for the opinion of the Court;
- (2) this action is **DISMISSED WITH PREJUDICE** pursuant to Rule 41(b) of the Federal Rules of Civil Procedure for failure to prosecute;
- (3) all remaining motions are **DENIED** as moot; and
- (4) this matter is **STRICKEN** from the active docket.

This March 4, 2014.



Signed By:

Karl S. Forester K S F
United States Senior Judge