

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF KENTUCKY
AT LOUISVILLE

CIVIL ACTION NO. 3:11-CV-00513-H

DARRIUS L. DUETT

PLAINTIFF

V.

DR PEPPER/SEVEN UP, INC.

DEFENDANT

MEMORANDUM OPINION AND ORDER

This is a discrimination case which was removed to federal court on September 15, 2011. Defendant has now moved that Plaintiff be required to show cause why the case should not be dismissed.

The Court finds that a show cause order is unnecessary. On March 14, 2012, Plaintiff's counsel asked for leave to withdraw from the case. On April 19, 2012, this Court allowed the withdrawal on condition that on or before June 4, 2012, Plaintiff advised the Court either that he had obtained new counsel or that he wished to proceed with the action *pro se*. Neither the Court nor opposing counsel have heard from Plaintiff since that order two months ago.

Plaintiff has also failed to respond to several discovery requests filed in March 2012. Plaintiff has failed to follow or acknowledge the Court's April 19 order. Plaintiff has failed to respond to several inquiries from Defendant, including a certified return receipt correspondence. Plaintiff has ignored the orders of this Court and his responsibilities as a litigant in this case.

In these circumstances, Plaintiff has demonstrated his clear intention to abandon this lawsuit. The appropriate action in these circumstances is to dismiss all claims.

Being otherwise sufficiently advised,

IT IS HEREBY ORDERED that Plaintiff's claims are DISMISSED WITH PREJUDICE.

This is a final order.

cc: Darrius L. Duett, Plaintiff
Counsel of Record