

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF KENTUCKY
AT LOUISVILLE**

GARY LAMAR JONES-BEY

PLAINTIFF

vs.

CIVIL ACTION NO. 3:16CV-484-CRS

MARK BOLTON

DEFENDANT

ORDER

This matter is before the court for consideration of the Report and Recommendation of the United States Magistrate Judge that the complaint herein be dismissed with prejudice for failure to prosecute (DN 26). Despite repeated attempts by the magistrate judge to obtain the participation of this pro se plaintiff and move the case forward, plaintiff has failed to comply with the orders of the court and has failed to appear at two scheduled hearings. The magistrate judge noted that there has been no return mail and there is no indication that plaintiff has not received notice of all court orders in the case.

As noted in the magistrate judge's report, the parties failed to participate in a planning meeting or file a report with the court as initially ordered. The court again ordered the parties to engage in Fed.R.Civ.P. 26 planning, and afforded an additional month to do so, but to no avail. The magistrate judge then scheduled a hearing regarding the parties' failure to comply with the court's orders. The plaintiff did not appear. Defense counsel appeared, and filed a planning report on behalf of the defendant, indicating that plaintiff had refused contact. The magistrate judge then scheduled a hearing for the plaintiff to show cause why the matter should not be

dismissed for failure to prosecute the action. Again, the plaintiff failed to appear or otherwise respond to the court's order.

The magistrate judge issued his report which was, again, sent by the clerk to the plaintiff's address of record. The fourteen-day period in which to file objections to the magistrate judge's Report and Recommendation has expired without response from the plaintiff.

Therefore, the Report and Recommendation of the United States Magistrate Judge (DN 26) is **ACCEPTED AND ADOPTED IN ITS ENTIRETY** and the complaint herein is **DISMISSED WITH PREJUDICE FOR FAILURE OF THE PLAINTIFF TO PROSECUTE THE ACTION.**

There being no reason for delay in its entry, this order shall constitute the final judgment of the court.

IT IS SO ORDERED.

November 9, 2017



**Charles R. Simpson III, Senior Judge
United States District Court**

cc: Gary Lamar Jones-Bey, pro se
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Counsel of Record