

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF LOUISIANA

SHERMAIN W. COLEMAN

VERSUS

LEONARD W. EVANS, ET AL.

CIVIL ACTION

NO. 09-1067-JJB-SCR

**RULING**

This matter is before the court on a motion to dismiss (doc. 24) filed by defendant Crete Carrier Corporation based upon plaintiff's failure to cooperate in discovery.

The procedural history of this matter is set forth in the Report of United States Magistrate Judge Stephen C. Riedlinger dated March 28, 2011 (doc. 30), which is approved and adopted as the court's opinion herein. Plaintiff has a documented history of failing to participate in discovery. In denying a prior motion to dismiss, plaintiff was specifically warned and put on notice that such continued conduct could result in dismissal with prejudice (doc. 23). Plaintiff's multiple failures to comply with the December 9<sup>th</sup> order show that lesser sanctions were ineffective. The agrees with the magistrate judge that plaintiff's failure to obey two discovery rulings and to appear for his scheduled deposition demonstrate contumacious conduct and willful disobedience of the court's orders.

Accordingly, the motion to dismiss filed by defendant Crete Carrier Corporation is hereby GRANTED and this action will be dismissed with prejudice at plaintiff's cost.

Baton Rouge, Louisiana, April 18, 2011.



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JAMES J. BRADY, JUDGE  
MIDDLE DISTRICT OF LOUISIANA