

APR 28 2017

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DEPUTY

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF LOUISIANA  
LAKE CHARLES DIVISION

CLARENCE MALVEAUX, JR., ET AL

CIVIL ACTION NO. 2:17-0077

VERSUS

JUDGE JAMES T. TRIMBLE, JR.

AXIALL CORPORATION, ET AL

MAG. JUDGE KATHLEEN KAY

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MEMORANDUM RULING AND JUDGMENT

Before the court is “Defendant’s Rule 41(b) Motion to Dismiss” (R. #1) wherein, Defendants, Axiall Corporation, John Manns, Eagle US 2 LLC, P H H Monomers LLC, move to dismiss with prejudice Plaintiffs Clarence Malveaux, JR. and Archie McKay for failure to prosecute.

On January 17, 2017, the court ordered that the Plaintiffs herein be transferred from the original lawsuit entitled Muriel Littleton et al v. Axiall Corp, Civ. Action 2:15-287-JTT-KK<sup>1</sup> to this lawsuit. The sole purpose of this administrative case is to consider the instant motion to dismiss as to those Plaintiffs who failed to respond to discovery as ordered by the court in the original lawsuit.

On February 8, 2017, the Magistrate Judge granted Plaintiffs’ counsel Steven W. Hale and W. Taylor Hale’s motion to withdraw<sup>2</sup> and put Plaintiffs on notice that they were representing themselves after specifically finding that former counsel had taken adequate measures to contact

<sup>1</sup> R. #41.

<sup>2</sup> See R. #4 and Electronic Order #5.

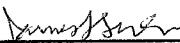
the Plaintiffs. The Magistrate Judge further ordered the clerk to mail notice of the order to the Plaintiffs to the addresses provided in the pleadings.<sup>3</sup>

As of this date, the Plaintiffs have not responded to the discovery requests, nor have the Plaintiffs opposed the instant motion to dismiss. Accordingly,

**IT IS ORDERED, ADJUDGED AND DECREED** that the motion to dismiss is hereby **GRANTED** dismissing with prejudice Plaintiffs Clarence Malveaux, Jr. and Archie McKay.

**IT IS FURTHER ORDERED** that the Clerk of Court close the instant lawsuit.

**THUS DONE AND SIGNED** in Alexandria, Louisiana on this 28<sup>th</sup> day of April, 2017.

  
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**JAMES T. TRIMBLE, JR.**  
**UNITED STATES DISTRICT COURT**

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<sup>3</sup> R. #4. In the order noticed the plaintiffs, the Magistrate Judge also put plaintiffs on notice that the instant motion to dismiss had been filed.