

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
SHREVEPORT DIVISION

PINKY WASHINGTON

CIVIL ACTION NO. 10-cv-0635

VERSUS

BROOKSHIRE GROCERY CO.

MAGISTRATE JUDGE HORNSBY

MEMORANDUM RULING

Pinky Washington, represented by attorney Clint Black and his firm, filed this personal injury action. The case was removed and, later, referred to the undersigned pursuant to 28 U.S.C. § 636(c). Early in the proceedings, Black and his firm filed a motion to withdraw. Counsel reported that he served Plaintiff with written notice of his intent to withdraw, as well as the motion to withdraw.

The court issued an order (Doc. 16) that granted the motion to withdraw. The order stated that Washington was “strongly encouraged to retain new counsel” and granted her almost a month, until April 25, 2011, to either (1) enroll new counsel to represent her in this case or (2) file with the court a written statement that she intends to represent herself. The order warned: “Failure to take one of those steps prior to April 25, 2011 may result in Plaintiff’s case being dismissed, without further notice, for failure to prosecute.” The docket sheet indicates that a copy of the order was mailed to Ms. Washington.

The April 25, 2011 deadline has passed, but there has been no action of record by Ms. Washington or an attorney acting on her behalf. The court provided ample time for Ms.

Washington to secure new counsel or indicate her desire to proceed without counsel. Ms. Washington has not taken even the simple step of alerting the court that he desires to proceed on her own. It is highly unlikely that a plaintiff who is unwilling to take such a simple step is interested enough in her case to comply with the other more serious requirements of litigation. Attempting to proceed further with this action would be a waste of time and resources for the court and other parties. Dismissal without prejudice for failure to prosecute is the best exercise of the court's discretion in these circumstances. Accordingly, judgment will be entered dismissing this case without prejudice for failure to prosecute.

THUS DONE AND SIGNED in Shreveport, Louisiana, this 9th day of May, 2011.



MARK L. HORNSBY
UNITED STATES MAGISTRATE JUDGE