

UNITED STATES DISTRICT COURT
DISTRICT OF MAINE

JABRIL MOHAMUD,)	
)	
Plaintiff,)	
)	
v.)	Civil no. 2:12-cv-0177-NT
)	
JONATHAN ROBERTS,)	
)	
Defendant,)	

ORDER

Plaintiff Jabril Mohamud filed a complaint dated April 20, 2012, against Portland Police Officer Jonathan Roberts in Cumberland County Superior Court. On June 4, 2012, the Defendant removed the case to federal court. On June 5, 2012, Magistrate Judge Kravchuk issued a scheduling order. On June 6, 2012, the Defendant served the Plaintiff with interrogatories and document requests. Plaintiff moved to amend the scheduling order on June 19, 2012 because of difficulties and delays with correspondence while incarcerated. Over Defendant’s objection, Magistrate Judge Cohen enlarged the Plaintiff’s deadline for responding to the interrogatories and production request to October 15, 2012.

On November 5, 2012, defense counsel advised Magistrate Judge Kravchuk that he had not received any response to his interrogatories or requests for production of documents. Defense counsel further advised that the Plaintiff was no longer in custody and provided a new address for the Plaintiff. Magistrate Judge Kravchuk ordered Plaintiff to provide defense counsel with a telephone number where he could be reached for a telephone conference on November 15, 2012.

Plaintiff was also directed to provide the court with a current mailing address. Plaintiff was warned that failure to provide a current mailing address and participate in the telephone conference could result in dismissal of the case. A copy of Magistrate Judge Kravchuk's order was mailed to the Plaintiff at the address provided by the Defendant. The mailing was not returned by the Post Office as undeliverable.

On November 15, 2012, Magistrate Judge Kravchuk held a telephone conference. Plaintiff did not participate. Defense counsel reported that the Plaintiff had not contacted defense counsel with a number which could be used for a telephone conference. Plaintiff also failed to provide the Court with a new address.

On November 15, 2012, Magistrate Judge Kravchuk ordered the Plaintiff to provide full written responses to outstanding interrogatories and requests for production of documents by November 26, 2012. Magistrate Judge Kravchuk granted leave to Defendant to file a summary motion to dismiss for failure to prosecute under Fed. R. Civ. P. 41(b) if the Plaintiff failed to meet the November 26, 2012 deadline. A copy of Magistrate Judge Kravchuk's order was mailed to the address earlier provided by defense counsel.

On November 27, 2012, defense counsel filed a summary motion to dismiss asserting that he had received no contact from the Plaintiff and seeking dismissal of the Complaint with prejudice and without costs. A copy of the Defendant's motion

was mailed to the Plaintiff at the last known address. Plaintiff has not filed a response to the Defendant's Summary Motion to Dismiss.

Because the Plaintiff has failed to respond to discovery requests and has failed to keep the Court apprised of a valid address, because the Plaintiff has been warned that failure to respond and provide a valid address could result in dismissal of his case, and because the Plaintiff has failed to respond to the Defendant's Summary Motion to Dismiss, the Plaintiff's suit is now **DISMISSED WITH PREJUDICE** for failure to prosecute. Fed. R. Civ. P. 41(b).

SO ORDERED.

Dated this 20th day of December, 2012.

/s/ Nancy Torresen
UNITED STATES DISTRICT JUDGE