

UNITED STATES DISTRICT COURT
DISTRICT OF MAINE

PAMELA PEATE,)	
)	
Plaintiff,)	
)	
v.)	2:22-cv-00179-JDL
)	
NUBBLE POND PARTNERS, et al.,)	
)	
Defendants)	

**RECOMMENDED DECISION TO DISMISS PLAINTIFF’S CLAIM
AGAINST DEFENDANT FRHP LINCOLNSHIRE, LLC**

On June 7, 2022, Plaintiff filed a complaint against several defendants. (ECF No. 1.) On September 3, 2022, a Summons was returned executed on Defendant FRHP Lincolnshire, LLC, which summons reflected Defendant was served on September 2, 2022. (ECF No. 30.)

On October 27, 2022, because no responsive pleading had been filed and because Plaintiff had not moved for entry of default or default judgment, the Court ordered Plaintiff to show cause, no later than November 10, 2022, as to why this matter should not be dismissed as to Defendant FRHP Lincolnshire, LLC. (Order, ECF No. 36.) The Court advised Plaintiff that if she failed to show cause, the Court could dismiss the complaint as to Defendant FRHP Lincolnshire, LLC. (*Id.*)

To date, Defendant FRHP Lincolnshire, LLC has not filed a responsive pleading, Plaintiff has not moved for entry of default or default judgment, and Plaintiff has not filed a response to the Order to Show Cause. I recommend the Court dismiss Plaintiff’s claim

against Defendant FRHP Lincolnshire, LLC.

DISCUSSION

“A district court, as part of its inherent power to manage its own docket, may dismiss a case sua sponte for any of the reasons prescribed in Fed. R. Civ. P. 41(b).” *Cintron-Lorenzo v. Dep’t de Asumtos del Consumidor*, 312 F.3d 522, 526 (1st Cir. 2002) (citing *Link v. Wabash R.R. Co.*, 370 U.S. 626, 629 – 31 (1962)). Federal Rule of Civil Procedure 41(b) authorizes the Court to dismiss an action for a party’s failure to prosecute and failure to comply with the Court’s order. Here, Plaintiff has failed to show cause in accordance with the Court’s Order to Show Cause. She has also failed to move for default or default judgment against Defendant FRHP Lincolnshire, LLC. Plaintiff thus has failed to comply with the Court’s order and has otherwise failed to prosecute her claim. Given Plaintiff’s failure to comply with the Court’s order and her failure otherwise to prosecute the matter against Defendant FRHP Lincolnshire, LLC, dismissal is warranted.

CONCLUSION

Based on the foregoing analysis, I recommend the Court dismiss Plaintiff’s claim against Defendant FRHP Lincolnshire, LLC.

NOTICE

A party may file objections to those specified portions of a magistrate judge’s report or proposed findings or recommended decisions entered pursuant to 28 U.S.C. § 636(b)(1)(B) for which de novo review by the district court is sought, together with a supporting memorandum, within fourteen (14) days of being served with a copy thereof.

Failure to file a timely objection shall constitute a waiver of the right to de novo review by the district court and to appeal the district court's order.

/s/ John C. Nivison
U.S. Magistrate Judge

Dated this 21st day of November, 2022.