

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

_____)	
EVANS AUGUSTE,)	
)	
Plaintiff,)	
)	
v.)	
)	Civil Action No. 13-12395-LTS
DUANE MACEACHERN et al.,)	
)	
Defendants.)	
_____)	

ORDER

November 5, 2015

SOROKIN, J.

The Defendants in this action filed a motion for summary judgment on August 21, 2015. Doc. No. 59. The opposition was originally due September 30, 2015. Doc. No. 53. Upon the Plaintiff’s motion, the Court extended the deadline for the Plaintiff’s opposition to October 29, 2015. Doc. No. 62. To date, the Plaintiff has made no filing opposing the motion for summary judgment.

The Court now Orders the Plaintiff to respond to the Defendants’ motion for summary judgment by November 23, 2015. Should the Plaintiff fail to file a response to the motion for summary judgment by that date, he faces dismissal of his claims due to failure to prosecute and failure to obey this Court Order.

“The authority of a federal trial court to dismiss a plaintiff’s action with prejudice because of his failure to prosecute” is well-established and “is necessary in order to prevent undue delays in the disposition of pending cases and to avoid congestion in the calendars of the District Courts.” Link v. Wabash R.R. Co., 370 U.S. 626, 629-30 (1962); see Fed. R. Civ. P. 16(f),

41(b); Tower Ventures, Inc. v. City of Westfield, 296 F.3d 43, 45 (1st Cir. 2002). “[A] litigant who ignores case-management deadlines does so at his peril.” Tower Ventures, 296 F.3d at 45-46 (quoting Rosario-Diaz v. Gonzalez, 140 F.3d 312, 315 (1st Cir. 1998)). “Although dismissal ordinarily should be employed only when a plaintiff’s misconduct is extreme, . . . disobedience of court orders, in and of itself, constitutes extreme misconduct (and, thus, warrants dismissal)[.]” Id. at 46 (internal citation omitted) (citing Cosme Nieves v. Deshler, 826 F.2d 1, 2 (1st Cir. 1987)).

Accordingly, it is hereby ORDERED that by the close of business on November 23, 2015, the Plaintiff shall respond to the motion for summary judgment or face dismissal of his case.

SO ORDERED.

/s/ Leo T. Sorokin
Leo T. Sorokin
United States District Judge