

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

NICK FRONTCZAK and
MICHAEL VALENTINO,

Plaintiffs,

v.

Case No. 18-13781

CITY OF DETROIT, et al.,

Defendants.

**OPINION AND ORDER GRANTING DEFENDANTS' MOTION TO DISMISS
AND DISMISSING WITH PREJUDICE PLAINTIFF MICHAEL VALENTINO**

On December 6, 2019, Defendants City of Detroit, Kenneth Ballinski, Stephen Geelhood, Matthew Bray, Reginald Beasley, Larry Barnett, Amy Matelic, Marlon Wilson, and Gregory Tourville filed a motion to dismiss Plaintiff Michael Valentino from this action as a sanction under Federal Rule of Civil Procedure 37 for twice failing to appear for his scheduled deposition, the second time in violation of this court's November 26, 2019 order. (ECF No. 46.) On December 7, 2019, Valentino's attorney filed a motion to withdraw as counsel, claiming that there had been a breakdown in the attorney-client relationship. The court granted counsel's motion to withdraw and, in the same order, extended the deadline for Valentino to respond to the motion to dismiss to afford him the opportunity to either obtain new counsel or file a pro se response. In that order, the court cautioned Valentino that "[t]he failure to Plaintiff Valentino to file a response to the motion will result in his dismissal from the case for failure to prosecute and for the reasons described in the motion to dismiss." (ECF No. 49, PageID.746.) Valentino's

response to the motion to dismiss was due January 17, 2020. As of the date of this order, Valentino has not filed a response to the motion or attempted to prosecute this case in any way. For the reasons stated in the court's December 11, 2019 order and in Defendants' motion, the court will grant Defendants' motion and dismiss Valentino from this case with prejudice. Accordingly,

IT IS ORDERED that Defendants' motion to dismiss (ECF No. 47) is GRANTED. Plaintiff Michael Valentino is DISMISSED WITH PREJUDICE from the case.

s/ Robert H. Cleland /
ROBERT H. CLELAND
UNITED STATES DISTRICT JUDGE

Dated: January 24, 2020

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, January 24, 2020, by electronic and/or ordinary mail.

s/ Lisa Wagner /
Case Manager and Deputy Clerk
(810) 292-6522

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