

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

Janis Lee Kirk,

Plaintiff,

Case No. 18-cv-10107

v.

Judith E. Levy

United States District Judge

County of Washtenaw, Kellie
Powdhar, Nicholas Burleson,
Sabrina Pattillo, Phuong Le, and
Mark Somolenski,

Mag. Judge Mona K. Majzoub

Defendants.

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OPINION AND ORDER DISMISSING CASE WITH PREJUDICE

Plaintiff originally filed this case on January 10, 2018. (Dkt. 1.) After more than a year of litigation, counsel for plaintiff filed a motion to withdraw. (Dkts. 55, 57.) Counsel stated that “[t]here ha[d] been a complete and total breakdown of the attorney-client relationship to the extent that it has impaired [counsel’s] ability to properly represent Plaintiff” (Dkt. 57 at 2.) The Court held a hearing on March 26, 2019 and granted the motion to withdraw. (Dkt. 60.) The Court stayed the case for forty-five days to permit plaintiff to retain new representation, notify

the Court that she intended to prosecute the case without a lawyer, or dismiss the case voluntarily. (*Id.* at 2.)

Forty-five days came and went, but no new counsel for plaintiff made an appearance, plaintiff did not indicate whether she intended to proceed pro se, and she has not voluntarily dismissed her case. As a result, on May 15, 2019, the Court ordered plaintiff to show cause in writing by May 29, 2019, why the case should not be dismissed for failure to prosecute. (Dkt. 61.) Plaintiff has not responded. Thus, plaintiff has not shown cause why this case should not be dismissed. She has shown no intention to continue to prosecute this lawsuit.

Dismissal for failure to prosecute is available to the district court “as a tool to effect management of its docket and avoidance of unnecessary burdens on the tax-supported courts [and] opposing parties.” *Knoll v. Am. Tel. & Tel. Co.*, 176 F.3d 359, 363 (6th Cir. 1999). “A district court must be given substantial discretion in serving these tasks.” *Id.* Accordingly, for the reasons set forth above, this case is

DISMISSED with prejudice for failure to prosecute.

IT IS SO ORDERED.

Dated: June 4, 2019
Ann Arbor, Michigan

s/Judith E. Levy
JUDITH E. LEVY

United States District Judge

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was served upon counsel of record and any unrepresented parties via the Court's ECF System to their respective email or First Class U.S. mail addresses disclosed on the Notice of Electronic Filing on June 4, 2019.

s/Shawna Burns
SHAWNA BURNS
Case Manager