

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Kurk Matthew Nelson,

Case No. 17-cv-3727 (WMW/SER)

Plaintiff,

v.

Repossessors, Inc.; Consumer Portfolio
Services, Inc.; and Chase Towing &
Transport, Inc.,

Defendants.

**ORDER GRANTING MOTION TO
DISMISS**

Consumer Portfolio Services, Inc.,

Counter Claimant,

v.

Professional Recovery & Collection
Services and Kurk Matthew Nelson,

Counter Defendants.

Chase Towing & Transport, Inc.; Consumer
Portfolio Services, Inc.; and Repossessors,
Inc.,

Third-Party Plaintiffs,

v.

Professional Recovery & Collection
Services,

Third-Party Defendant.

Before the Court is the joint motion of Defendants Repossessors, Inc.; Chase Towing & Transport, Inc.; and Consumer Portfolio Services, Inc.; to dismiss with prejudice

the complaint of Plaintiff Kurk Matthew Nelson for failure to prosecute. *See* Fed. R. Civ. P. 41(b).

Nelson has not communicated with the Court or any party or counsel in this case in nearly a year. Because Nelson's counsel had been unable to communicate with Nelson since July 2018 despite multiple attempts to do so, United States Magistrate Judge Steven E. Rau granted the motion of Nelson's counsel to withdraw representation without substitution on January 3, 2019. The Court may dismiss an action under Federal Rule of Civil Procedure 41(b) because of a plaintiff's failure to prosecute. *Henderson v. Renaissance Grand Hotel*, 267 F. App'x 496, 497 (8th Cir. 2008) (per curiam). In light of the circumstances presented, the Court concludes that Nelson has abandoned this action.

Based on the foregoing analysis and all the files, records and proceedings herein, **IT IS HEREBY ORDERED** that Defendants' motion to dismiss, (Dkt. 83), is **GRANTED** and Plaintiff Kurk Matthew Nelson's complaint, (Dkt. 1), is **DISMISSED WITHOUT PREJUDICE** for failure to prosecute.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: June 21, 2019

s/Wilhelmina M. Wright
Wilhelmina M. Wright
United States District Judge