

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

JAROD LILLY,	)	
	)	
Plaintiff,	)	
	)	
v.	)	No. 1:11CV0088
	)	
JEFF NORMAN, et al.,	)	
	)	
Defendant.	)	

**OPINION, MEMORANDUM AND ORDER**

This matter is before the Court on Defendants Heather Cato Annesser and Warren Moore’s (“Defendants) Motion to Dismiss [ECF No. 36]. Plaintiff has not filed an opposition to the motion. For the reasons set forth below, Defendants Motion to Dismiss is granted.

**Discussion**

Defendants seek a dismissal due to Plaintiff’s disregard to the Court’s pretrial scheduling order [ECF No. 33] by failing to provide his disclosures pursuant to Rule 26, by failing to respond to Defendants’ discovery requests, and by failing to communicate altogether with Defendants and the Court.

Rule 41(b) of the Federal Rules of Civil provides the following:

**“Involuntary Dismissal; Effect.** If the plaintiff fails to prosecute or to comply with these rules or a court order, a defendant may move to dismiss the action or any claim against it. Unless the dismissal order states otherwise, a dismissal under this subdivision (b) and any dismissal not under this rule—except for lack of jurisdiction, improper venue, or failure to join a party under Rule 19—operates as an adjudication on the merits.”

On April 24, 2012, the Court issued a Case Management Order [ECF No. 33] which ordered Plaintiff Lilly to provide disclosures pursuant to Fed.R.Civ.P. 26 to Defendants no later than May 24, 2012. Further, the Court ordered Plaintiff to engage in discovery, which was to be completed by July 23, 2012. To date, Plaintiff has failed to comply with the Court's Case Management Order and engage in discovery as instructed. Plaintiff has not filed a single pleading with this Court since August 21, 2011—over seventeen months ago from today's date. Plaintiff has had substantial time to prosecute this case against Defendants; however, it appears to the Court that Plaintiff has abandoned his claims altogether. The Court has given Plaintiff ample time to provide disclosures and respond to Defendants' motions, and Plaintiff has failed to do so. As such, pursuant to Rule 41(b) of the Federal Rules of Civil Procedure, Plaintiff's claims against Defendants shall be dismissed with prejudice.

Accordingly,

**IT IS HEREBY ORDERED** that Defendants Heather Cato Annesser and Warren Moore's unopposed Motion to Dismiss [ECF No. 36] is **GRANTED**.

Dated this 30th day of January, 2013.



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HENRY EDWARD AUTREY  
UNITED STATES DISTRICT JUDGE