UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
SOUTHEASTERN DIVISION

ANTHONY JACKSON,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	Case No: 1:17CV143 HEA
	)	
NICOLE GREEN, et al.,	)	
	)	
Defendants.	)	

OPINION, MEMORANDUM AND ORDER

This matter is before the Court on Defendants Ashley Grisham and Charles Pewitt's Motion to Dismiss for Failure to Comply with a Court Order, [Doc. No. 29]. Plaintiff has not responded to the Motion. For the reasons set forth below, the Motion is granted.

On January 29, 2018, this Court entered a Case Management Order in this case. The Case Management Order outlined numerous deadlines that were to be followed by the parties in this matter. The Case Management Order required parties to file Initial Disclosures as set forth in Federal Rule of Civil Procedure 26(a)(1)(A)(ii) by February 28, 2018. All Defendants filed their Initial Disclosures before the time ordered by this Honorable Court. Defendants have advised the Court that to date, Plaintiff has not complied with the Court's Order and has not provided to Defendants any discovery or Initial Disclosures, as required.

Federal Rule of Civil Procedure 41(b) allows for the dismissal of a cause of action due to a plaintiff's failure to comply with a court order. *See F.R.C.P. 41(b).* "The district's court exercise of this power is within the 'permissible range of its discretion' if there has been a clear record of delay or contumacious conduct by the plaintiff." *American Inmate Paralegal Assoc. v. Cline*, 859 F.2d 59, 62 (8th Cir. 1988) quoting *Brown v. Frey*, 806 F.2d 801, 803 (8th Cir. 1986). "Pro se litigants are not excused from complying with court orders or substantive and procedural law." *Id.* citing *Burgs v. Sissel*, 745 F.2d 526, 528 (8th Cir. 1984).

In this case, the Court ordered Initial Disclosures to be provided by all parties no later than February 28, 2018. Defendants have advised the Court that they provided their disclosures, but Plaintiff has not provided Defendants any Initial Disclosures. The failure to comply with this Court's order has impaired these Defendants' ability to prepare appropriate dispositive Motions, conduct discovery and to otherwise defend this cause of action as they cannot investigate the likely testimony of any individuals who may be called as witnesses by the plaintiff in order to prepare for trial.

Accordingly,

IT IS HEREBY ORDERED that Defendants' Motion to Dismiss, [Doc. No. 29], is **GRANTED**. This matter is dismissed, without prejudice, for failure to prosecute.

IT IS FURTHER ORDERED that Defendants' Motion to Stay Discovery, [Doc. No. 31], is denied as moot.

Dated this 13th day of April, 2018.

HENRY EDWARD AUTREY
UNITED STATES DISTRICT JUDGE