

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

JOE W. SLOAN,)	
)	
Plaintiff,)	
)	
vs.)	Case No. 4:07CV685 HEA
)	
CITY OF ST. LOUIS,)	
)	
Defendant.)	

MEMORANDUM AND ORDER

This matter is before the Court on Defendant’s Motion to Dismiss for Failure to Prosecute, [Doc. No. 25]. Plaintiff has failed to respond within the prescribed time period.

Plaintiff filed this action, *pro se* on April 10, 2007. On December 4, 2007, this Court held a Rule 16 Scheduling Conference, at which Plaintiff appeared. Plaintiff was ordered to make disclosures required by Rule 26(a)(1) of the Federal Rules of Civil Procedure by February 4, 2008. Defendant advises the Court that Plaintiff has failed to do so. Plaintiff took no action with respect to this case, and on September 22, 2008, the Court ordered Plaintiff to advise the Court within 14 days of the status of the progress of this case. Plaintiff responded on October 7, 2008 that he was “going to proceed to prosecute case and in accordance with the Court’s Orders, including the Case Management Order deadlines.” Since that time, however, Plaintiff has taken no action whatsoever.

Defendant now moves to dismiss pursuant to Rule 41(b) of the Federal Rules of Civil Procedure.

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

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...operates as an adjudication on the merits.

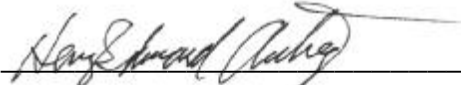
Rule 41(b) permits a court to dismiss an action upon the failure of a plaintiff to comply with the Federal Rules, any order of the court or a party's failure to prosecute the action in any meaningful way. *Warner v. Dillard's, Inc.*, 2006 WL 27429 (E.D. Mo.). Rule 41(b) is applicable to the instant case, and this matter will be dismissed for Plaintiff's failure to prosecute.

Accordingly,

IT IS HEREBY ORDERED that Defendant's Motion to Dismiss for Failure to Prosecute, [Doc. No. 25], is **GRANTED**.

IT IS FURTHER ORDERED that this matter is dismissed.

Dated this 23rd day of April, 2009.



HENRY EDWARD AUTREY
UNITED STATES DISTRICT JUDGE