

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

MARQUIS MILLER,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No. 4:08CV1722 HEA
	)	
CUSTOM TREE and LAWN SERVICE, INC.,	)	
	)	
Defendant.	)	

**ORDER**

This matter is before the Court on Defendant’s Motion to Compel, [Doc. No. 13]. Plaintiff’s counsel responds that he did not receive opposing counsel’s letter, but in any event, counsel for Plaintiff asks that the case be stayed since Plaintiff is not available as he has taken a short term job assignment in New Orleans. This is not an excuse to fail to respond under the Federal Rules of Civil Procedure. It is incumbent upon litigants to properly prosecute claims filed in this Court and failure to do so could result in dismissal.

Accordingly,

**IT IS HEREBY ORDERED** that Defendant’s Motion to Compel, [Doc. No. 13] is granted. Plaintiff shall respond to the requested discovery within 10 days from the date of this Order.

Dated this 6th day of January, 2010.



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HENRY EDWARD AUTREY  
UNITED STATES DISTRICT JUDGE