

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

ROBERT H. REEHTEN,)	
)	
Plaintiff,)	
)	
v.)	Case No. 4:10CV2159 FRB
)	
SHAWN MAYBERRY, et al.,)	
)	
Defendants.)	

MEMORANDUM AND ORDER

This matter is before the Court upon defendants Shawn Mayberry and Sheriff Boyer's Motion To Dismiss Under Rule 37(d) For Failure To Cooperate In Discovery (Docket No. 77). All matters are pending before the undersigned United States Magistrate Judge, with consent of the parties, pursuant to 28 U.S.C. § 636(c).

In the instant motion, defendants Shawn Mayberry and Sheriff Boyer ("defendants") seek the dismissal of plaintiff's claims under Rule 37(d). In support, defendants contend that plaintiff has continued to fail to cooperate with discovery requests, failed to appear for his deposition scheduled for August 9, 2012, and failed to agree to reschedule that deposition within the time permitted for discovery in this Court's most recent amendment to the Case Management Order. To date, plaintiff has filed no response to the instant motion.

Therefore,

IT IS HEREBY ORDERED that, **not later than October 26, 2012**, plaintiff shall show cause, in writing, why defendant's

motion to dismiss should not be granted on account of plaintiff's failure to respond to discovery, appear for deposition, or comply with this Court's scheduling order.

Plaintiff is cautioned that failure to comply with this Order may result in the imposition of sanctions, including the dismissal of this case.



Frederick R. Buckles
UNITED STATES MAGISTRATE JUDGE

Dated this 12th day of October, 2012.