

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

VIC CASINE,)
)
 Plaintiff,)
)
 v.) No. 4:12CV708 HEA
)
)
 THE CITY OF ST. LOUIS, et al.,)
)
)
 Defendant.)

OPINION, MEMORANDUM AND ORDER

This matter is before the Court on Defendant City of St. Louis's Motion to Dismiss Plaintiff's Petition for Failure to State A Claim Upon Which Relief Can Be Granted [ECF No. 6]. Plaintiff Vic Casine has not filed an opposition to Defendant's motion. Defendant's motion shall be granted.

On May 3, 2012, Defendant filed a Motion to Dismiss Case [ECF No. 5] and a Memorandum in Support of such [ECF No. 6]. On August 21, 2012, the Court issued a Show Cause Order [ECF No. 7] directing Plaintiff to show cause in writing as to why he had not served Defendant Undercover Demolition Contractor with his Complaint. Plaintiff had fourteen (14) days to respond to the Court's Order and failed to do so. On October 12, 2012, the Court dismissed Undercover Demolition Contractor as a defendant. To date, Plaintiff has failed to respond to

City of St. Louis's Motion to Dismiss, or file anything in this case since his original Complaint.

Pursuant to Fed. R. Civ. Proc 41(b), “[i]f the plaintiff fails to prosecute or comply with these rules or court order, a defendant may move to dismiss the action or any claim against it.” Plaintiff has failed to prosecute the current matter, therefore, pursuant to Fed. R.. Civ. Proc. 41(b), the Court is dismissing the remaining defendant, City of St. Louis.

Accordingly,

IT IS HEREBY ORDERED that Defendant City of St. Louis's Motion to Dismiss Case [ECF No. 5] is **GRANTED** and City of St. Louis is **DISMISSED** without prejudice.

Dated this 22nd day of March, 2013.



HENRY EDWARD AUTREY
UNITED STATES DISTRICT JUDGE