

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

GAYLE N. ROBBINS,)	
)	
Plaintiffs,)	
)	
v.)	Case No. 4:15-CV-1360 HEA
)	
FORD MOTOR COMPANY)	
)	
Defendant.)	

OPINION, MEMORANDUM AND ORDER

This matter is before the Court on Defendant's Motion to Dismiss, [Doc. No. 97], filed on September 29, 2017, a copy of which was served upon Plaintiff's prior counsel via electronic filing and delivered to Plaintiff by U. S. Mail. Plaintiffs have failed to respond to the motion and Plaintiff has failed to have new counsel enter appearance on behalf of Plaintiff. For the reasons set forth below, the motion is granted.

Facts and Background

Plaintiff filed the Complaint [Doc. No. 1] on September 2, 2015. Since the filing numerous requests for continuance or additional time have been granted at the behest of Plaintiff. The most recent grant of additional time is the result of Plaintiff's counsel withdrawing and the court extending Plaintiff approximately 30

days in which to secure new counsel. [Doc. #96]. As of the date of this order the court has not received an entry of appearance on behalf of Plaintiff.

On October 20, 2017 the court issued an order [Doc. #98] to Plaintiff to show cause why the Motion to Dismiss should not be granted. On the same date the court received a letter [Doc. #99] from Plaintiff purportedly reflecting contact with an attorney and awaiting a commitment from counsel to represent him.

Plaintiff has been proceeding in a *pro se* capacity. Plaintiff has failed to comply with the letter of the Court's order but has marginally complied with the spirit of the order.

Accordingly,

IT IS HEREBY ORDERED, pursuant to Rule 41(1)(b) of the Federal Rules of Civil Procedure, that Defendant's Motion to Dismiss Plaintiffs' Amended Complaint [Doc. No. #97] will be granted and this matter will be dismissed for failure to prosecute if Plaintiff has not secured new counsel by November 22, 2017.

Dated this 14th day of November, 2017.



HENRY EDWARD AUTREY
UNITED STATES DISTRICT JUDGE