

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MISSOURI
WESTERN DISTRICT**

TONY MACIAS, et al.,)
)
 Plaintiffs,)
)
 vs.)
)
 RICHARD MELICHAR, D.D.S., et al.,)
)
 Defendants.)

Case No. 08-0097-CV-W-GAF

ORDER GRANTING MOTION TO DISMISS

Presently before the Court is Defendant Hy-Vee, Inc.’s (“Hy-Vee”) Motion to Dismiss for Failure to Prosecute filed pursuant to Fed. R. Civ. P. 41(b). (Doc. #32). To date, *pro se* Plaintiffs Tony Macias and Virginia Macias (“Plaintiffs”) have failed to respond to either Hy-Vee’s Motion or the Court’s Order to Show Cause dated August 31, 2009 (Doc. #33). For good cause shown, it is

ORDERED that Hy-Vee’s Motion is GRANTED and Plaintiffs’ claims against Hy-Vee are hereby dismissed.

s/ Gary A. Fenner _____
Gary A. Fenner, Judge
United States District Court

DATED: September 25, 2009