

IN THE UNITED STATES DISTRICT
COURT FOR THE DISTRICT OF
NEW JERSEY

DAVID MERCER, JR.,

Plaintiff,

Civil No. 16-581 (JHR/AMD)

v.

UNDER ARMOUR, INC., et al.,

Defendants.

ORDER

This matter comes before the Court *sua sponte* in light of *pro se* Plaintiff David Mercer, Jr.'s failure to appear for a court-ordered conference on December 5, 2016; failure to enter his appearance *pro se* or obtain an attorney and have new counsel enter an appearance on his behalf; failure to appear for a court-ordered hearing on January 27, 2017; and failure to prosecute his case.

(See Order to Show Cause [D.I. 38], Jan. 13, 2017); and the Court having considered the Report and Recommendation submitted by the Honorable Ann Marie Donio, United States Magistrate Judge, pursuant to 28 U.S.C. § 636(b)(1)(B) and (C); and the parties having been notified that they had fourteen (14) days from receipt of the Report and Recommendation to file and serve objections pursuant to Local Civil Rule 72.1(c)(2), and no objections having been received; and the Court finding that the Report and Recommendation is neither clearly erroneous, nor contrary to law;

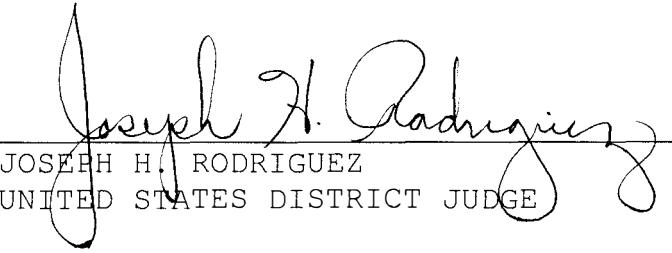
and for good cause shown:

IT IS on this 6th day of March, 2017 hereby

ORDERED that the Report and Recommendation is **ADOPTED**;

and it is further

ORDERED that Plaintiff's complaint shall be, and is hereby, **DISMISSED WITH PREJUDICE**.


JOSEPH H. RODRIGUEZ

UNITED STATES DISTRICT JUDGE