

NOT FOR PUBLICATION

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

EDOKEDA TRADING LTD,

Plaintiff,

v.

MERCHANT NATIONAL, LLC, et al.,

Defendants.

Civil Action No. 12-7481 (SRC)

OPINION

CHESLER, District Judge

This matter was initiated by Order To Show Cause, issued by Magistrate Judge Waldor on July 17, 2013, directing pro se Plaintiff Edokeda Trading Ltd. to show cause why the magistrate judge should not recommend that the district court dismiss this action for failure by Plaintiff to prosecute his action, to appear for a court-ordered conference and to retain counsel. The Order To Show Cause expressly warned that should Plaintiff fail to show cause as ordered, Judge Waldor would recommend that the district judge dismiss this action. Plaintiff failed to file any written submission or otherwise respond to the July 17, 2013 Order To Show Cause. Accordingly, the magistrate judge issued a Report and Recommendation (“R&R”) on August 22, 2013 pursuant to Fed. R. Civ. P. 72(b), L. Civ. R. 72.1(a)(2), and 28 U.S.C. § 636(b)(1)(C) [docket entry 10]. In it, Judge Waldor recommends that this Court dismiss Plaintiff’s Complaint with prejudice. She also expressly advised the parties of their opportunity to file objections to the R&R in accordance with 28 U.S.C. § 636 and Local Civil Rule 72.1.

Federal Rule of Civil Procedure 37, which permits the Court to “dismiss the action . . . or render a judgment by default against the disobedient party.” Roadway Express v. Piper, 447 U.S. 752, 763 (1980) (citations omitted). The time for filing objections to the R&R has expired. 28 U.S.C. § 636(b)(1)(C) (“Within fourteen days after being served with a copy, any party may serve and file written objections to such proposed findings and recommendations as provided by rules of court.”). No objections to it have been filed. This Court has reviewed Judge Waldor’s R&R. It accepts and agrees with Judge Waldor’s findings and recommendation in whole. Plaintiff, a business entity identifying itself as a “private limited company incorporated in Mauritius” failed to retain counsel, despite the Court’s order and warning that a corporate entity cannot proceed pro se. It has also failed to appear for court-ordered conferences or make any effort to prosecute this action. For the reasons set forth in Judge Waldor’s R&R, this behavior, together with Plaintiff’s failure to retain counsel, warrant imposing the sanction of dismissal pursuant to Rule 37.

Accordingly, this Court will adopt the R&R issued on August 22, 2013 [docket entry 15] as the opinion of the Court and will dismiss Plaintiff’s Complaint pursuant to Federal Rule of Civil Procedure 37. An appropriate form of Order will be filed.

s/Stanley R. Chesler
STANLEY R. CHESLER
United States District Judge

DATED: September 11, 2013