IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF NEW MEXICO

CALMAT CO.,

Plaintiff,

v. CV 16-26 KG/WPL

OLDCASTLE PRECAST, INC., KRAFT AMERICAS, L.P., a limited Partnership, RUNE KRAFT, KRAFT AMERICAS HOLDINGS, INC., and JOHN DOES 1-5,

Defendants.

PROPOSED FINDINGS AND RECOMMENDED DISPOSITION

This matter is before me sua sponte. On April 6, 2016, Rune Kraft filed an Answer on behalf of himself and purportedly on behalf of Kraft Americas, L.P. (Doc. 12.) On April 13, 2016, the Court informed Kraft Americas, L.P., of Local Rule 83.7, which requires a corporation, partnership, or business entity other than a natural person to be represented by an attorney authorized to practice in the District of New Mexico. (Doc. 14.) On December 1, 2016, I entered an Order directing Kraft Americas, L.P., to retain counsel within fourteen days and to have counsel enter an appearance on its behalf. (Doc. 69.) I warned Kraft Americas, L.P., that failure to retain counsel would result in a recommendation to the presiding judge that Rune Kraft's Answer on behalf of Kraft Americas, L.P., be stricken and that judgment be entered against Kraft Americas, L.P., decreeing that Kraft Americas, L.P., has no interest in the subject matter of this case. (*Id.*) To date, Kraft Americas, L.P., has not complied with the Order or Local Rule 83.7 and has not retained counsel.

Given Kraft Americas, L.P.'s, failure to comply with Local Rule 83.7, its inability to proceed pro se, and the failure to comply with multiple Orders, I recommend that the Court strike Rune Kraft's Answer on behalf of Kraft Americas, L.P. (Doc. 12), enter judgment against Kraft Americas, L.P., and decree that Kraft Americas, L.P., has no interest in the subject matter of this case.

THE PARTIES ARE NOTIFIED THAT WITHIN 14 DAYS OF SERVICE of a copy of these Proposed Findings and Recommended Disposition they may file written objections with the Clerk of the District Court pursuant to 28 U.S.C. § 636(b)(1). **A party must file any objections with the Clerk of the District Court within the fourteen-day period if that party wants to have appellate review of the Proposed Findings and Recommended Disposition. If no objections are filed, no appellate review will be allowed.**

William P. Lynch
United States Magistrate Judge

A true copy of this order was served on the date of entry--via mail or electronic means--to counsel of record and any pro se party as they are shown on the Court's docket.