

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
CIVIL NO. 3:07-cv-00248-W**

REGINALD E. DEAL, JR.,)
)
 Plaintiff,)
)
 vs.)
)
 CHRIS GANTT, et. al.,)
)
 Defendants.)
)
 _____)

ORDER

THIS MATTER is before the Court on Defendant Chris Gantt’s Motion for Involuntary Dismissal of Complaint (Doc. No. 27).


Plaintiff filed suit against Gantt and other defendants on June 26, 2007. Plaintiff filed an Amended Complaint on December 20, 2007. All defendants were served with the Amended Complaint, with the last defendants being served on March 14, 2008. The time for the last defendants to answer the Amended Complaint was April 3, 2008. No further pleadings or motions have been filed by the Plaintiff or any of the defendants. Defense counsel has attempted numerous times to contact Plaintiff’s counsel in order to discuss the case and schedule an initial pretrial attorneys’ conference.

Other than filing the original Complaint, the Amended Complaint, and Returned Executed Summons, Plaintiff has taken no further action in prosecution of its claims against Defendants. Within seven (7) calendar days from the date of this Order, Plaintiff is instructed to SHOW CAUSE why this action should not be dismissed. If Plaintiff fails to respond within seven (7) calendar days, this Court will dismiss this action with prejudice for Plaintiff’s failure to prosecute.

IT IS, THEREFORE, ORDERED THAT, on or before October 3, 2008, Plaintiff shall SHOW CAUSE why this action should not be DISMISSED pursuant to Rule 41(b) of the Federal Rules of Civil Procedure for failure to prosecute this action. Plaintiff is warned that failure to make a timely response to this Order to Show Cause will result in DISMISSAL of this lawsuit.

IT IS SO ORDERED.

Signed: September 26, 2008



Frank D. Whitney
United States District Judge

