

**UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
CASE NO. 3:09-cv-19-RJC-DCK**

**JOHN ZAPATA as Assignee of MWE)
SERVICES, INC. d/b/a MIDWEST)
DEMOLITION COMPANY,)**

Plaintiff,

vs.

**PONDER AND CO., INC., an unknown)
corporation and THE GUARANTEE)
COMPANY OF NORTH AMERICA, an)
unknown corporation and TRUSTEE OF)
GASTON COLLEGE, a political)
subdivision of the State of North)
Carolina,)**

Defendants.

ORDER

THIS MATTER is before the Court sua sponte. On April 22, 2009, the Magistrate Judge granted the parties’ motion to stay pending arbitration and ordered that the parties submit a report of the status of their arbitration within six months, or at the conclusion of the arbitration, whichever occurred earlier. (Doc. No. 5). On March 5, 2010, having not received a status report, the Court issued an Order to the plaintiff to show cause why no report had been filed. (Doc. No. 6). On Mach 9, 2010, the plaintiff submitted a status report stating that the arbitrator’s decision was due by March 18, 2010, and that the plaintiff would notify the Court with a status report once the arbitrator’s decision was received. Almost two months have passed since the arbitrator’s decision was allegedly due in this matter, and the Court has yet to receive a status report from the plaintiff. On May 12, 2010, the Court issued a second Order to the plaintiff to show cause why no report or decision had been filed. (Doc. No. 8). This Order warned the plaintiff that his failure to respond within ten (10) days of the Order would result in dismissal of

his claims pursuant to Rule 41(b) of the Federal Rules of Civil Procedure. The time for compliance with this Order has passed and the plaintiff has not responded.

IT IS, THEREFORE, ORDERED that the plaintiff's complaint is **DISMISSED** pursuant to Fed. R. Civ. P. 41(b), and the Clerk is **DIRECTED** to **CLOSE THE CASE**.

Signed: May 27, 2010



Robert J. Conrad, Jr.
Chief United States District Judge

