

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION
CASE NO. 5:10CV18

JAMES P. ROWE,)
)
Plaintiff,)
)
v.)
)
TARGET CORPORATION,)
)
Defendant.)
_____)

ORDER

THIS MATTER is before the Court sua sponte concerning Plaintiff’s failure to prosecute its claim.

On April 6, 2011, the Report of Mediation was filed showing the parties have reached an impasse. Since April 6, 2011, there has been no activity in this case.

“The authority of a court to dismiss sua sponte for lack of prosecution has generally been considered an ‘inherent power,’ governed not by rule or statute but by the control necessarily vested in courts to manage their own affairs so as to achieve the orderly and expeditious disposition of cases.” *Link v. Wabash R.R. Co.*, 370 U.S. 626, 630–31 (1962) (upholding, in the face of a due process challenge, the practice of dismissing an action, without notice and an opportunity to be heard, for want of prosecution). The Court, declining to dismiss immediately this case in the absence of notice that dismissal is contemplated, here provides Plaintiff with such notice. Plaintiff has two weeks from the date this Order is filed to submit a status report. Should Plaintiff fail to comply with this directive, this case will be dismissed with prejudice. This the 15th day of November, 2012.

By Direction: s/Susan M. Johnson
Richard L. Voorhees, U. S. District Judge