

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA
SOUTHEASTERN DIVISION

Lisa Bouck,)
)
Plaintiff,)
)
vs.)
)
Pizza Corner, Inc.,)
)
Defendant.)

**ORDER ADOPTING REPORT AND
RECOMMENDATION**

Civil No. 3:12-cv-111

Before the Court is a Report and Recommendation from the Honorable Karen K. Klein, United States Magistrate Judge, which recommends dismissal for want of prosecution. (Doc. # 17). The time to object to this Report and Recommendation expired on September 6, 2013, and no party has objected. See Fed. R. Civ. P. 72(a); D.N.D. Civ. L. R. 71.1(D).

For reasons unknown Lisa Bouck has failed to communicate with her attorney of record or the court since early April 2013. On June 14 2013, Bouck’s attorney, Thomas D. Fiebiger of Fargo, North Dakota, filed a motion to withdraw (Doc. # 10), stating that he was unable to represent Bouck because she had failed to respond to numerous letters and phone calls. (See Doc. # 11). Mr. Fiebiger reported that he had been unable to contact Ms. Bouck at any point after April 8. (Doc. # 11). The Court granted counsel’s motion to withdraw. (Doc. # 13).

Following Fiebiger’s withdrawal, the Court forwarded a notice to Bouck’s last known address informing her that she could participate at an upcoming settlement conference – either in person or by phone – and asking Bouck to contact Magistrate Judge Klein’s chambers as soon as possible. (Doc. # 14). Bouck neither appeared at the settlement conference nor contacted the Court.

On July 19, 2013, Magistrate Judge Klein issued an Order to Show Cause directing Bouck to explain why the case should not be dismissed with prejudice for failure to prosecute. (Doc. # 16). Bouck failed to respond. Magistrate Judge Klein has now recommended to the Court that Bouck's complaint be dismissed with prejudice for failure to prosecute. See Fed. R. Civ. P. 41(b).

In light of the history of this case, the Court adopts the Report and Recommendation in its entirety. Plaintiff's action is **DISMISSED** for failure to prosecute.

IT IS SO ORDERED.

Dated this 18th day of September, 2013

/s/ Ralph R. Erickson
Ralph R. Erickson, Chief District Judge
United States District Court