

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

SAMANTHA M. BANNER,	:	
Plaintiff,	:	
v.	:	Case No. 3:16-cv-388
THE OHIO BELL TELEPHONE	:	JUDGE WALTER H. RICE
CO., <i>et al.</i> ,	:	
Defendants.	:	

ORDER DISMISSING CASE FOR FAILURE TO PROSECUTE;
JUDGMENT TO ENTER IN FAVOR OF DEFENDANTS AND AGAINST
PLAINTIFF; TERMINATION ENTRY

Plaintiff, Samantha M. Banner, filed suit against her former employer, The Ohio Bell Telephone Company, and Sedgwick Claims Management Services, Inc., Ohio Bell's claims administrator, alleging disability discrimination, retaliation, intentional and/or reckless infliction of emotional distress, and wrongful discharge in violation of public policy. Although represented by counsel for a short period of time, Plaintiff has proceeded *pro se* since February 23, 2017.

On March 10, 2017, Defendants filed a partial motion to dismiss. Doc. #22. Although the Court gave Plaintiff until May 17, 2017, to obtain new counsel and file a memorandum in opposition to Defendants' motion, no counsel has entered an appearance, and Plaintiff has failed to respond to that motion.

On May 26, 2017, Magistrate Judge Newman issued an Order for Plaintiff to Show Cause in writing, within 14 days, as to why the motion for partial dismissal should not be granted. He warned Plaintiff that failure to respond may result in dismissal of the case for failure to prosecute. Doc. #33.

On June 6, 2017, Magistrate Judge Newman issued a second Order to Show Cause. Doc. #34. He noted that Plaintiff had failed to participate in the discovery status conference on June 2, 2017. He gave her 14 days to show cause, in writing, why the case should not be dismissed for failure to prosecute as a result of her failure to participate in the discovery conference.

Given Plaintiff's failure to respond to the motion for partial dismissal, her failure to participate in the discovery conference, and her failure to respond to either Show Cause Order, the Court DISMISSES all of Plaintiff's claims WITHOUT PREJUDICE pursuant to Fed. R. Civ. P. 41(b).¹ Judgment shall be entered in favor of Defendants and against Plaintiff.

The captioned case is hereby ordered terminated upon the docket records of the United States District Court for the Southern District of Ohio, Western Division, at Dayton.

¹ Defendants have requested that the Court dismiss the claims *with* prejudice. Although the Court has authority to do so, *see Link v. Wabash Ry. Co.*, 370 U.S. 626, 629-30 (1962), it finds that dismissal with prejudice is not warranted under the circumstances presented here.

Date: July 11, 2017



WALTER H. RICE
UNITED STATES DISTRICT JUDGE