

THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

WALTER SHAUD
Plaintiff
v.
SUGARLOAF TOWNSHIP, et al.,
Defendants
3:07-CV-1212
(JUDGE MARIANI)

MEMORANDUM OPINION

On July 7, 2011, Defendant Tommy Brown, the sole remaining defendant,1 moved to Compel Discovery, alleging that Plaintiff had not responded to multiple requests to participate in the discovery process and schedule a deposition (Doc. 125). Accordingly, on July 14, 2011, the Court ordered Plaintiff to respond to Defendant's discovery requests and to submit himself for a deposition (Doc. 127). However, the Order did not provide a deadline. So, on July 22, 2011 the Court ordered Plaintiff to respond to Defendant's interrogatories by August 3, 2011 and to submit to a deposition within thirty days of submitting his written discovery responses (Doc. 130). Plaintiff failed to do so. On August 5, 2011, Defendant filed a Motion for Sanctions

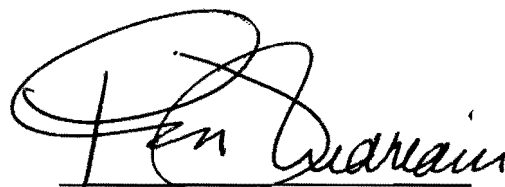
1 The original Complaint (Doc. 1) named twelve defendants, including judges, police officers, township officials, the Sugarloaf Township Fire Department, and Plaintiff's neighbor, Sharon Slusser. Plaintiff claimed that Ms. Slusser and her children routinely taunted Plaintiff because of his disability, littered on his property, trespassed, and invaded his privacy. The other named defendants allegedly enabled Ms. Slusser to continue her pattern of behavior against Plaintiff and allowed this harassment as retaliation for an earlier case in 1997. Judge Munley "screened" this complaint and dismissed all but three defendants (Doc. 13). Plaintiff then filed his 456-page Final Amended Complaint (Doc. 71-73), in which he named the original twelve defendants (including the previously dismissed nine) and added an additional twenty-four, totaling thirty-six defendants. Judge Munley again "screened" the complaint (Doc. 76) and dismissed all but ten defendants, who then filed Motions to Dismiss (Docs. 98, 100, 107). Judge Munley granted the Motions to Dismiss for nine defendants, leaving only Officer Tommy Brown (Doc. 120). After this ruling, Plaintiff ceased to respond to all communication from opposing counsel and all Orders of the Court.

(Doc. 131), seeking either dismissal of Plaintiff's case with prejudice or entry of default judgment against Plaintiff. On August 9, 2011, the Court issued an Order that Plaintiff respond to Defendant's interrogatories within 10 days of the Order (Doc. 133). Because Plaintiff is *pro se*, the Court did not dismiss the case at that time. However, it was the final opportunity for Plaintiff to comply with the Order. The Court's opinion stated that failure to do so "could cause the court to dismiss the case." Id. Plaintiff did not respond.

On October 3, 2011, Defendant filed a Motion for Summary Judgment (Doc. 135). On November 9, 2011, this Court ordered Plaintiff to respond to Defendant's Motion for Summary Judgment within 10 days of the Order (Doc. 137). Again, the Court placed Plaintiff on notice that failure to do so "could cause the court to grant defendant's motion as unopposed." Id. Plaintiff did not obey the Order.

Conclusion

The Court has given Plaintiff every opportunity to advocate his case. However, because of Plaintiff's repeated failure to respond to multiple Orders to develop the factual record, under FED. R. CIV. P. 56(e)(2) the Court will grant Defendant's Motion for Summary Judgment. Because this decision renders Defendant's Motion for Sanctions moot, the Court will deny said motion. An appropriate order follows.

A handwritten signature in black ink, appearing to read "Robert D. Mariani", written in a cursive style. The signature is positioned above a horizontal line.

Robert D. Mariani
United States District Judge

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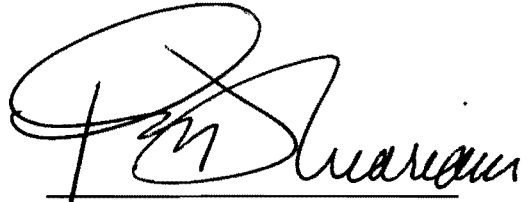
3:07-CV-1212
(JUDGE MARIANI)

ORDER

AND NOW, to wit, this 8th day of DECEMBER, 2011, IT IS HEREBY ORDERED

THAT:

1. Defendant Brown's unopposed Motion for Summary Judgment (Doc. 135) is **GRANTED** and **JUDGMENT IS ENTERED IN FAVOR OF DEFENDANT AND AGAINST PLAINTIFF.**
2. The above order renders Defendant Brown's unopposed Motion for Sanctions (Doc. 131) moot. Accordingly, it is **DENIED.**
3. The Clerk is hereby directed to **CLOSE** the case.



Robert D. Mariani
United States District Judge