

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT CHATTANOOGA

SHANNON MILLS,)	
)	
Plaintiff,)	
v.)	No. 1:15-CV-057
)	
THOMAS BUTTRY and)	
CHATTANOOGA POLICE)	
DEPARTMENT,)	
)	
Defendants.)	

MEMORANDUM OPINION

This is a pro se prisoner's civil rights action under 42 U.S.C. § 1983. Pursuant to the Court's scheduling order entered on January 14, 2016, Plaintiff was to file his Pretrial Narrative Statement on or before November 8, 2016 [Doc. 12 p. 1–2]. In the scheduling order, Plaintiff was forewarned that if he did not comply with this deadline, this case would be dismissed for failure to prosecute and failure to comply with the orders of the Court [*Id.* p. 2]. The November 8, 2016, deadline has passed and Plaintiff has not filed his pretrial narrative statement.

Defendants have filed a motion to dismiss for lack of prosecution based on Plaintiff's failure to file his pretrial narrative statement and failure to appear for his deposition [Doc. 16]. Plaintiff has not filed a response to this motion and the time for doing so has passed. E.D. TN. LR 7.1(a). Accordingly, Plaintiff has waived any opposition to this dispositive motion. *Elmore v. Evans*, 449 F. Supp. 2, 3 (E.D. Tenn. 1976), *aff'd mem.* 577 F.2d 740 (6th Cir. 1978); E.D. TN. LR 7.2.

For the reasons set forth above, Defendants' motion to dismiss [Doc. 16] will be **GRANTED** and this action will be **DISMISSED** for failure to prosecute and failure to comply with the orders of the court. Fed. R. Civ. P. 41(b). Given the reason for this dismissal, the Court

CERTIFIES that any appeal taken in this matter would not be taken in good faith. 28 U.S.C. § 1915(a)(3). Thus, if Plaintiff files a notice of appeal, he must also submit an application for leave to proceed *in forma pauperis* on appeal, his financial affidavit, and a certified copy of his inmate trust account statement for the six months preceding the filing of the notice of appeal. 28 U.S.C. § 1915(a)(2).

AN APPROPRIATE JUDGMENT ORDER WILL ENTER.

ENTER :

/s/ Harry S. Mattice, Jr.
HARRY S. MATTICE, JR.
UNITED STATES DISTRICT JUDGE