

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE  
WESTERN DIVISION**

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ROSIE GIVHAN,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No. 2:13-cv-02224-JTF-cgc
	)	
REGIONAL MEDICAL CENTER,	)	
	)	
Defendant.	)	
	)	

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**ORDER ADOPTING MAGISTRATE JUDGE’S REPORT AND RECOMMENDATION  
DENYING AS MOOT DEFENDANT’S MOTION TO DISMISS  
AND  
ORDER OF DISMISSAL FOR FAILURE TO PROSECUTE**

On April 12, 2013, this case was referred to the Magistrate Judge for determination and or for report and recommendation, pursuant to the Federal Magistrates Act, 28 U.S.C. §§631-39, in order to secure its just, speedy, and inexpensive determination pursuant to Fed. R. Civ. P.1. (DE #3). On November 22, 2013, Defendant filed a Motion to Dismiss Plaintiff’s Complaint pursuant to Rule 12(b)(6) for failure to state a claim for which relief may be granted. (DE #11).

On January 7, 2014, the Magistrate entered an Order to Show Cause why Defendant’s Motion to Dismiss should not be granted or good cause why a response to Defendant’s Motion to Dismiss had not been filed within twenty-eight (28) days as required by L.R. 12.1. (DE #11). The Show Cause Order directed Plaintiff to respond within fourteen (14) days of entry of the order or by January 21, 2014. To date, Plaintiff has not filed a response to either the Order to Show Cause or to Defendant’s Motion to Dismiss as directed. Accordingly, the Magistrate Judge entered her Report and Recommendation on February 6, 2014, recommending that the

case be dismissed with prejudice for Plaintiff's failure to prosecute pursuant to Fed. R. Civ. P. 41(b). (DE #16). No objections have been filed.

After reviewing the Magistrate Judge's Report and Recommendation, Defendant's Motion to Dismiss, and the entire record, the Court hereby ADOPTS the Magistrate Judge's Report and Recommendation. The Magistrate Judge properly weighed all four factors that guide the Court's determination of whether a complaint should be dismissed pursuant to Rule 41 as provided in *Knoll v. American Telephone & Telegraph Co.*, 176 F.3d 359, 363 (6th Cir. 1999). Further, the Magistrate Judge correctly noted that Plaintiff has failed to participate in this case since April of 2013 and disregarded orders entered by the Court.

Therefore, the Court finds the Magistrate Judge's report and recommendation should be ADOPTED, the case DISMISSED with prejudice for failure to prosecute pursuant to Fed. R. Civ. P. 41(b), and the Defendant's Motion to Dismiss is DENIED as MOOT.

IT IS SO ORDERED this 3rd day of March, 2014.

BY THE COURT:

*s/John T. Fowlkes, Jr.*  
JOHN T. FOWLKES, JR.  
United States District Judge