

United States District Court
Southern District of Texas

ENTERED

May 19, 2017

David J. Bradley, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

JOE EDWARD NESMITH,

§

Plaintiff,

§

VS.

§

CIVIL ACTION NO. 2:16-CV-491

§

ROBERT M. SPEER,

§

Defendant.

§

§

§

ORDER

Plaintiff Joe Edward Nesmith is appearing *pro se* in this employment discrimination action. The case has been referred to the undersigned magistrate judge for case management pursuant to 28 U.S.C. § 636. Pending is Defendant’s Motion for Extension of Time to File Dispositive Motion and for an Order Directing Plaintiff to be Deposed. (D.E. 18). A hearing was held before the undersigned on May 19, 2017 at which Plaintiff and counsel for Defendant appeared in person.

The undersigned notes Plaintiff had notice of and failed to appear for his deposition on May 9, 2017. It is further noted that Plaintiff has expressed reluctance to answer Defendant’s written discovery. Plaintiff was admonished in open court, and is admonished herein again, that **any future failure to appear for his deposition or court settings or his failure to comply with orders of the court or any failure to respond to discovery or otherwise participate in these proceedings will result in sanctions.** Those sanctions may include monetary assessments and his case being dismissed. *See*

McCullough v. Lynaugh, 835 F.2d 1126 (5th Cir. 1988); Fed. R. Civ. P. 41(b) (district court may dismiss an action for failure to prosecute or to comply with any order of the court).

Having considered the motion, response, and arguments of counsel, Defendant's motion is **GRANTED**. It is, therefore,

ORDERED that Plaintiff shall appear in person on **June 16, 2017, at 9:00 a.m.** at the United States Attorney's Office to have his deposition taken. The address of the U.S. Attorney's office is 800 North Shoreline, Suite 500, Corpus Christi, Texas 78401. It is further,

ORDERED that Plaintiff shall answer Defendant's interrogatories and requests for production no later than **June 19, 2017**. It is further,

ORDERED that both Plaintiff and Defendant will ensure they have made their initial disclosures as required by Rule 26(a)(1) of the Federal Rules of Civil Procedure. These disclosures shall be exchanged no later than **June 19, 2017**. It is further,

ORDERED that the dispositive motion deadline is extended for both parties until **July 10, 2017**.

ORDERED this 19th day of May, 2017.


Jason B. Libby
United States Magistrate Judge