

United States District Court
Southern District of Texas

ENTERED

October 19, 2017

David J. Bradley, Clerk

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

TIFFANY LE, as legal guardian for
TIFFANY TRAN,

Plaintiff,

v.

BROOKS BROTHERS, INC.,

Defendant.

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CIVIL ACTION H-17-1435

ORDER OF DISMISSAL WITHOUT PREJUDICE

On May 9, 2017, Tiffany Le brought this action on behalf of her vision-impaired daughter against Defendant Brooks Brothers, Inc., alleging that Brooks Brothers violated the Americans with Disabilities Act (“ADA”) because Brooks Brothers did not take steps to advise consumers of the limitations in its website concerning the interfacing of universal screen readers, thereby marginalizing the visually impaired community. Le sought injunctive relief under the ADA, and also sought damages under the Electronic Communications Privacy Act of 1986, claiming that Defendant intercepted her electronic communications by installing software on her computer.

On August 17, 2017, the Magistrate Judge held a scheduling conference with the parties. After learning that Ms. Le was not an attorney, the court advised Ms. Le that, as a non-lawyer, she could not represent her daughter *pro se*. The court ordered Ms. Le to hire an attorney within thirty days. On September 22, 2017, the Magistrate Judge’s case manager left a message with Ms. Le to determine if she had hired counsel. Ms. Le did not return the case manager’s phone call.

Pursuant to Fed. R. Civ. P. 41(b), the court may dismiss an action for a plaintiff's failure to comply with a court's order. As of this date, Ms. Le has not hired counsel. She has failed to keep the court apprised of her intention to pursue this action.

Accordingly, this action is **DISMISSED** without prejudice.

Signed at Houston, Texas on October 19, 2017.



Gray H. Miller
United States District Judge