

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
AT BLUEFIELD

RANDY MICHAEL BRODNIK, D.O.,

Plaintiff,

v.

Civil Action No. 1:11-00178

ROBERT LANHAM, et al.,

Defendants.

MEMORANDUM OPINION AND ORDER

On December 5, 2022, the court granted the motion of Paul J. Harris to withdraw as counsel for plaintiff. (ECF No. 150). That order further directed that, within thirty (30) days of entry of the order, "Dr. Brodnik should inform the court if he intends to obtain counsel to represent him in this matter or if he will proceed pro se." Id. The Clerk was directed to send a copy of the order to Dr. Brodnik, via certified mail return receipt requested, at the address provided by Mr. Harris. See id.

More than thirty days elapsed and the court did not hear from Dr. Brodnik. Nor did the court receive a return receipt indicating that Dr. Brodnik received the order. Thereafter, by Order entered February 10, 2023, the court extended the time by which Dr. Brodnik was to inform the court of his intent to either obtain new counsel or proceed pro se. That order gave Dr. Brodnik an additional thirty (30) days to inform the court if he intended to obtain counsel or would proceed pro se.


Documentation from the post office indicates that someone signed for the court's order on February 13, 2023 at Dr. Brodnik's place of business. See ECF No. 153.

Plaintiff did not inform the court of his intentions within the required time period, nor has he done so as of this date. It appearing proper to the court to do so, the court hereby **SCHEDULES** a status conference for Monday, May 8, 2023, at 11:30 a.m., in Bluefield. If neither Dr. Brodnik nor an attorney acting on his behalf attend this conference, the court will entertain a motion pursuant to Fed. R. Civ. P. 41(b), i.e., **FAILURE ON THE PART OF DR. BRODNIK OR AN ATTORNEY ON HIS BEHALF TO ATTEND THIS CONFERENCE MAY RESULT IN DISMISSAL OF THIS ACTION.**

The Clerk is directed to send a copy of this Memorandum Opinion and Order to counsel of record and unrepresented parties. The Clerk is likewise to send a copy of this Order, as well as ECF No. 150, to Dr. Brodnik at 150 Courthouse Rd., Suite 202, Princeton, WV 24740, certified mail return receipt requested.

IT IS SO ORDERED this 10th day of April, 2023.

ENTER:



David A. Faber
Senior United States District Judge