

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 May 8, 2023, the court conducted a status conference in the above-captioned case which was scheduled by the court's Order of April 10, 2023. In its Order, the court informed plaintiff that if neither he nor an attorney acting on his behalf attended this conference, the court would entertain a motion pursuant to Fed. R. Civ. P. 41(b), i.e., that failure on the part of Dr. Brodnik or an attorney on his behalf to attend this conference may result in dismissal of this action.

Present at the hearing were Beatriz Saiz and William S. Winfrey, II, counsel for defendants. Neither Dr. Brodnik nor an attorney on his behalf were present. Whereupon defendants moved, pursuant to Fed. R. Civ. P. 41(b), that the action be dismissed with prejudice because of plaintiff's failure to prosecute or to comply with the order(s) of the court. For reasons placed on the record at the hearing, the court **GRANTED** defendants' motion and **DISMISSED** this action with prejudice based on plaintiff's failure to prosecute. A separate Judgment Order of even date herewith will be entered.

The Clerk is directed to send a copy of this Memorandum Opinion and Order to counsel of record. The Clerk is likewise to send a copy of this Order to Dr. Brodnik at 150 Courthouse Rd., Suite 202, Princeton, WV 24740, certified mail return receipt requested.

IT IS SO ORDERED this 18th day of May, 2023.

ENTER:

A handwritten signature in cursive script, reading "David A. Faber", is written over a solid horizontal line.

David A. Faber
Senior United States District Judge