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

CHARLESTON DIVISION

IN RE: BOSTON SCIENTIFIC CORP.
PELVIC REPAIR SYSTEMS
PRODUCTS LIABILITY LITIGATION   MDL 2326

THIS DOCUMENT RELATES TO

MaryLou Rubio v. Boston Scientific Corp.   2:14-cv-010779

MEMORANDUM OPINION AND ORDER

Pending is Defendant's Motion to Dismiss with Prejudice, filed by Boston Scientific Corporation ("BSC") on August 28, 2018. [ECF No. 19]. BSC asserts that plaintiff's case should be dismissed with prejudice for failure to comply with court orders, including the failure to timely provide a plaintiff fact sheet in violation of Pretrial Order Numbers 16 and 175. Plaintiff, who is *pro se*, did not respond to the Motion.

On September 27, 2019, the court entered a Show Cause Order directing plaintiff to show cause on or before October 11, 2019, why BSC should not be dismissed. [ECF No. 22]. The court sent a copy of this order to plaintiff at her last known address and posted it on the court's public website. Plaintiff did not show cause or otherwise respond.
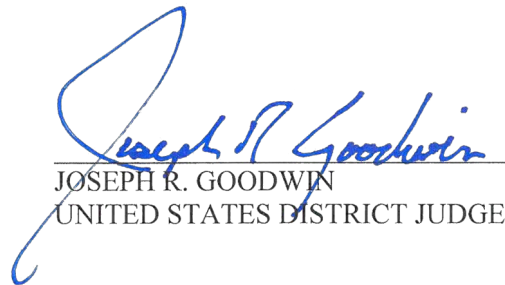
The court finds, pursuant to Rules 16 and 37 of the Federal Rules of Civil Procedure and after weighing the factors identified in *Wilson v. Volkswagen of Am., Inc.*, 561 F.2d 494, 503-06 (4th Cir. 1977), that this case should be dismissed without prejudice for plaintiff's failure to respond to the show cause order and otherwise

comply with discovery deadlines in compliance with the court's previous pretrial and other orders.

Therefore, the court **ORDERS** that the motion to dismiss [ECF No. 19] is **GRANTED in part** to the extent BSC seeks dismissal and **DENIED in part insofar as BSC seeks dismissal with prejudice.** The court **ORDERS** that BSC is dismissed without prejudice. No other defendants remain, and the case is stricken from the docket and closed.

The court **DIRECTS** the Clerk to send a copy of this order to counsel of record and plaintiff at her last known address.

ENTER: October 23, 2019

JOSEPH R. GOODWIN
UNITED STATES DISTRICT JUDGE