

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

RANDY BRYANT WICK,

Plaintiff,

v.

Case No. 21-C-799

CONNOR JOHNSON and
DEPUTY BURES,

Defendants.

DECISION AND ORDER GRANTING DEFENDANTS' MOTION TO DISMISS

Plaintiff Randy Bryant Wick, who is representing himself, filed this action against Defendants Forest County Sheriff's Deputies Connor Johnson and Bures on June 28, 2021. This matter comes before the Court on Defendants' motion to dismiss pursuant to Federal Rule of Civil Procedure 41(b) for Wick's failure to prosecute this action. For the following reasons, the motion will be granted.

Pursuant to Rule 41 of the Federal Rules of Civil Procedure, a court may dismiss an action for failure to prosecute or failure to comply with an order of the court. Fed. R. Civ. P. 41(b). "Dismissal is a very harsh sanction, however, and should be used 'only in extreme situations, when there is a clear record of delay or contumacious conduct.'" *Williams v. Chi. Bd. of Educ.*, 155 F.3d 853, 857 (7th Cir. 1988) (quoting *Ladien v. Astrachan*, 128 F.3d 1051, 1056 (7th Cir. 1997)). Dismissal has been deemed to be an appropriate sanction when a plaintiff has committed ongoing discovery violations and has failed to comply with court-ordered discovery deadlines. *See Salata v. Weyerhaeuser Co.*, 757 F.3d 695 (7th Cir. 2014).

In this case, Wick has failed to timely respond to Defendants' discovery requests, which were served on April 28, 2022, even though he has had ample time to do so. Defendants' counsel attempted to obtain Wick's discovery responses without court intervention. When Wick did not respond to Defendants' requests, Defendants filed a motion to compel. The Court granted the motion on August 4, 2022, and directed Wick to respond to Defendants' discovery requests within fourteen days. The Court advised that Wick's failure to respond to the discovery requests may result in the dismissal of the action. On August 18, 2022, Defendants filed a motion to dismiss indicating that they have not received Wick's responses to his discovery requests. Wick did not respond to either the motion to compel or the motion to dismiss. Wick's failure to provide his initial disclosures, respond to Defendants' discovery requests, and comply with the Court's order has delayed the litigation of this matter and resulted in modifications to the scheduling order. Wick's inaction constitutes contumacious conduct. Therefore, this action is dismissed based on Wick's failure to prosecute.

IT IS THEREFORE ORDERED that Defendants' motion to dismiss (Dkt. No. 38) is **GRANTED**. This action is **DISMISSED with prejudice**. The Clerk is directed to enter judgment accordingly.

Dated at Green Bay, Wisconsin this 21st day of September, 2022.

s/ William C. Griesbach

William C. Griesbach
United States District Judge