



Manley v. Lincoln National Life Insurance Company, The

2022 | Cited 0 times | D. Minnesota | December 12, 2022

UNITED STATES DISTRICT COURT

DISTRICT OF MINNESOTA

Alice Manley, Case No. 22-cv-1785 (JRT/DTS) Plaintiff, REPORT AND RECOMMENDATION v. Lincoln National Life Insurance Company, Defendant.

On November 29, 2022, the Court ordered Manley to notify defense counsel that the Federal Rules of Civil Procedure and the Local Rules of this District require that an answer or other pleading be filed (Dkt. No. 5). The Court also ordered Manley to file a letter on the docket with 10 days of the November 29, 2022 Order advising the Court when notification had been made. No letter was filed by Manley and no Answer or other pleading has been filed in response to the Complaint. In addition, no motion for an extension of time has been filed.

Accordingly, this Court now recommends, in accordance with the prior warning earlier given to Manley, that this action be dismissed without prejudice under Rule 41(b) of the Federal Rules of Civil Procedure for failure to prosecute. See *Henderson v. Renaissance Grand Hotel*, 267 Fed. district court has discretion to dismiss an action under Rule

RECOMMENDATION For the reasons set forth above, the Court **RECOMMENDS THAT** this matter be **DISMISSED WITHOUT PREJUDICE** for failure to prosecute.

Dated: December 12, 2022 ____s/David T. Schultz_____ DAVID T. SCHULTZ U.S. Magistrate Judge

NOTICE Filing Objections: This Report and Recommendation is not an order or judgment of the District Court and is therefore not appealable directly to the Eighth Circuit Court of Appeals. m objections within 14 days after being served a copy of the objections. LR 72.2(b)(2). All

objections and responses must comply with the word or line limits set for in LR 72.2(c).

