



## **Bishop v. Mesojedec et al**

2019 | Cited 0 times | D. Minnesota | June 13, 2019

UNITED STATES DISTRICT COURT

DISTRICT OF MINNESOTA

MEREL EVANS BISHOP, Plaintiff, v. CHAD MESOJEDEC; KAREN DALLUGE; JESSICA GEIL; SANDRA L. BRYANT; NICOLE SMITH; JORDAN GOODMAN; RYAN HULKE; STACEY SONNEK; and ALL MEMBERS OF THE SPIRITUAL PRACTICES ADVISORY COMMITTEE (SPAC), in their individual and official capacities, Defendants.

Case No. 19-CV-794-ECT-KMM

### **REPORT AND RECOMMENDATION**

In an order dated March 20, 2019, Judge Joan N. Ericksen ordered plaintiff Merel Evans Bishop to submit “an amended pleading . . . that presents his individual claims specifically as they relate to him” and a new application to proceed in forma pauperis. ECF No. 2 at 2. This Court directed Mr. Bishop on March 22, 2019, to submit the required documents within 30 days, failing which it would be recommended that this action be dismissed without prejudice for failure to prosecute. See ECF No. 3 (citing Fed. R. Civ. P. 41(b)). That deadline has now long since passed, and Mr. Bishop has not filed an amended complaint or application to proceed in forma pauperis. In fact, Mr. Bishop has not communicated with the Court about this case at all since this action was commenced. Accordingly, this Court now recommends, in accordance with its prior order, that this action be dismissed without prejudice under Rule 41(b) for failure to prosecute. See *Henderson v. Renaissance Grand Hotel*, 267 Fed. App’x 496, 497 (8th Cir. 2008) (per curiam) (“A district court has discretion to dismiss an action under Rule 41(b) for a plaintiff’s failure to prosecute, or to comply with the Federal Rules of Civil Procedure or any court order.”).

**RECOMMENDATION** Based upon the foregoing, and on all of the files, records, and proceedings herein, IT IS HEREBY RECOMMENDED that this action be DISMISSED WITHOUT PREJUDICE under Fed. R. Civ. P. 41(b) for failure to prosecute.

Date: June 13, 2019 s/Katherine Menendez Katherine Menendez United States 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. Under



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Local Rule 72.2(b)(1), “a party may file and serve specific written objections to a magistrate judge’s proposed finding and recommendations within 14 days after being served a copy” of the Report and Recommendation. A party may respond to those objections within 14 days after being served a copy of the objections. See Local Rule 72.2(b)(2). All objections and responses must comply with the word or line limits set forth in Local Rule 72.2(c).

