



Brown v. Armstead et al

2023 | Cited 0 times | D. South Carolina | May 2, 2023

1 IN THE UNITED STATES DISTRICT COURT DISTRICT OF SOUTH CAROLINA

Rachel P. Brown,)

Plaintiff,) Civil Action No. 9:22-1017-RMG

vs.)

A. Armstead and F. W. O'Neal, Jr.,)

ORDER Defendants.)

_____)

This matter comes before the Court on the Report and Recommendation (AR & R@) of the Magistrate Judge recommending that this action be dismissed with prejudice for failure to prosecute under Rule 41(b) of the Federal Rules of Civil Procedure. (Dkt. No. 37). On November 7, 2022, Defendants filed a motion to compel because Plaintiff, acting pro se, had failed to respond to written discovery. (Dkt. No. 24). Plaintiff did not respond to the motion and the Magistrate Judge entered an order compelling responses to Defendant's written discovery. (Dkt. No. 26). Defendants moved on February 21, 2023 to dismiss this action because Plaintiff had failed to respond to discovery. (Dkt. No. 31). Plaintiff was thereafter advised by the Magistrate Judge that a failure to respond to the motion to dismiss could result in the dismissal of her action. (Dkt. No. 34). Plaintiff did not file a response to the motion to dismiss, and this R & R followed recommending dismissal of this action for failure to prosecute.

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The Magistrate Judge gave Plaintiff notice that a failure to file objections to the R & R within 14 days would result in limited review by the District Court and waiver of the right to appeal the District Court's judgment. (Dkt. No. 37 at 6). Plaintiff has filed no objections to the R & R.

The Court has reviewed the R & R and other orders of the Magistrate Judge, the full record in this matter, and the relevant legal authorities. The Court finds that the Magistrate Judge ably summarized the factual and legal issues in this matter and correctly concluded that this action



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should be dismissed for failure to prosecute. Therefore, the Court ADOPTS the R & R (Dkt. No. 37) as the order of the Court and DISMISSES this action.

AND IT IS SO ORDERED.

s/ Richard Mark Gergel Richard Mark Gergel United States District Judge

May 2, 2023 Charleston, South Carolina

