

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

NATHAN ANDERSON,)	
)	
Plaintiff,)	
)	
v.)	No. 1:18-cv-02334-JPH-TAB
)	
BOULES,)	
)	
Defendant.)	

Order Dismissing Case with Prejudice and Directing Entry of Final Judgment

Plaintiff Nathan Anderson has abandoned his efforts to prosecute this case. Although he filed a motion for extension of time to respond to the Court's order to show cause, *see* dkt. 52, the extended deadline for him to respond has passed without a response from Mr. Anderson. Additionally, Mr. Anderson did not respond to the Court's first order to show cause, dkt. 36, and he has not responded to the defendant's motion for order of contempt, dkt. 34, and motion for summary judgment, dkt. 38.

Dismissal for want of prosecution "is an extraordinarily harsh sanction that should be used only in extreme situations, when there is a clear record of delay or contumacious conduct, or where other less drastic sanctions have proven unavailing." *Gabriel v. Hamlin*, 514 F.3d 734, 736 (7th Cir. 2008) (internal quotation marks and citations omitted). The Seventh Circuit considers the following factors to determine whether dismissal is appropriate in a specific case: "the plaintiff's pattern of and personal responsibility for violating orders, the prejudice to others from that noncompliance, the possible efficacy of lesser sanctions, and any demonstrated merit to the suit." *Pendell v. City of Peoria*, 799 F.3d 916, 917 (7th Cir. 2015).

Based on this standard, it is clear that this case should be dismissed with prejudice for failure to prosecute. In addition to the failures to comply with Court orders outlined above, Mr. Anderson did not comply with the Court's order concerning discovery, dkt. 31, until almost four months after the deadline to do so and well after the deadline for filing a dispositive motion had expired. Mr. Anderson has repeatedly disregarded Court orders and deadlines without explanation. These delays prejudiced the defendant by limiting access to relevant discovery and unnecessarily delaying resolution of this litigation. Therefore, this case is **dismissed with prejudice** for failure to prosecute.

The defendant's motion for order of contempt, dkt. [34], and motion for summary judgment, dkt. [38], are **denied as moot**.

The **clerk is directed** to issue final judgment.

SO ORDERED.

Date: 8/28/2020



James Patrick Hanlon
United States District Judge
Southern District of Indiana

Distribution:

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