

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

MICHAEL R. VEST,

Plaintiff,

v.

THE GAVILON GROUP, LLC,

Defendant.

ORDER

15-cv-600-wmc

In this civil action, plaintiff Michael R. Vest alleges that his former employer defendant The Gavilon Group, LLC, discriminated against him based on his disability in violation of the Americans with Disabilities Act Amendments Act of 2008. In February 2016, plaintiff's counsel filed a motion to withdraw. (Dkt. #19.) On February 11, 2016, the court entered an order granting that motion, which provided in part that: "[o]n or before February 19, 2016, Vest should inform the court whether he is planning to retain new counsel, and the status of those efforts, or represent himself *pro se* in this action." (2/11/16 Order (dkt. #21).) On February 22, Vest called the court to advise that he may have found an attorney to represent him and that he would be mailing an update on that day. The court received no update.

Instead, on March 17, defendant filed a motion to compel discovery on the basis that plaintiff had failed to respond to discovery responses, which were originally due January 13, 2016. (Def.'s Mot. to Compel (dkt. #23).) Plaintiff failed to respond to that motion as well. As such, on April 20, the court granted defendant's motion to compel, and ordered plaintiff to "provide complete responses to all of defendant's pending discovery requests not later than May 4, 2016." (4/20/16 Order (dkt. #27).)

The court also warned that “[i]f plaintiff fails to do so, then it is likely that the court will dismiss this lawsuit for plaintiff’s failure to prosecute it.” (*Id.*) On May 5, 2016, defendant filed a letter informing the court that plaintiff had failed to respond to the discovery requests and asking the court to dismiss the case for failure to prosecute. (Def.’s Letter (dkt. #28).)

Having been provided ample opportunities to obtain new counsel or proceed *pro se*, and having failed to respond to discovery requests and comply with the court’s order compelling such discovery, the court finds dismissal warranted. *See* Fed. R. Civ. P. 41(b); *Slack v. McDaniel*, 529 U.S. 473, 489 (2000) (“The failure to comply with an order of the court is grounds for dismissal with prejudice.”). Accordingly,

IT IS ORDERED that:

- 1) Plaintiff Michael Vest’s claims against defendant The Gavilon Group, LLC are DISMISSED with prejudice.
- 2) The clerk of court is directed to close this case.

Entered this 6th day of May, 2016.

BY THE COURT:

/s/

WILLIAM M. CONLEY
District Judge