

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

CRAIG AMIN,

Plaintiff,

ORDER

v.

05-C-543-C

LOYOLA UNIVERSITY CHICAGO,

Defendant.

Trial is scheduled for Monday, July 24, 2006, in this civil action in which pro se plaintiff Craig Amin contends that defendant Loyola University Chicago breached its fiduciary duty to him by failing to adequately record and report benefits and to disclose documents relevant to his retirement plan as required under the Employee Retirement Income Security Act of 1974 (ERISA), 29 U.S.C. §§ 1001-1461.

In on order dated June 9, 2006, I gave plaintiff until June 16, 2006 to show cause why his case should not be dismissed as a sanction for repeated discovery violations. Plaintiff did not respond. Moreover, on June 15, 2006, defendant moved the court to dismiss plaintiff's case because he had failed for a third time to appear at a pre-arranged deposition.

Although it is difficult to imagine how plaintiff could explain his dereliction, I am concerned that plaintiff has not been given adequate notice of the sanctions he faces. A review of the court's electronic docket sheet reveals that on June 12, 2006, this court received notice that plaintiff's mailing address had changed. By that time, a copy of the June 9 order had been sent already to plaintiff's previous mailing address. It is unclear whether plaintiff failed to respond to the order because he did not receive it or for other reasons. Therefore, in order to insure that plaintiff is given an opportunity to explain his conduct should he choose to do so, I will give him until June 30, 2006 to show cause why I should not grant defendant's motion to dismiss the case with prejudice as a sanction for plaintiff's failure to comply with his discovery obligations. A copy of the June 9, 2006 order is enclosed.

ORDER

IT IS ORDERED that plaintiff may have until June 30, 2006, to show cause why this case should not be dismissed as a sanction for his failure to comply with discovery obligations sanction for his failure to comply with discovery obligations as directed in the court's May 19, 2006 order. If, by June 30, 2006, plaintiff fails to submit a response as directed, defendant's motion to dismiss is GRANTED and the clerk of court is directed to

enter judgment in favor of defendant Loyola University Chicago and close this case.

Entered this 19th day of June, 2006.

BY THE COURT:

/s/

BARBARA B. CRABB

District Judge