

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

SAMANTHA LATRAILLE,

Case No. 17-CV-4206 (DWF/DTS)

Plaintiff,

v.

REPORT AND RECOMMENDATION

MYSTIC LAKE MDWEKANTON TRIBE;
JEREMY VIGNALO; and DANIELLE
LATRAILLE,

Defendants.

Plaintiff Samantha Latraille did not pay the required filing fee for this case, but instead filed an application seeking leave to proceed *in forma pauperis* (“IFP”). *See* ECF No. 2. In an order dated October 27, 2017, this Court declined to grant the IFP application on the grounds that Latraille’s complaint was deficient in several respects. *See* ECF No. 3; 28 U.S.C.

§ 1915(e)(2)(B). Rather than recommend dismissal of the action, this Court provided Latraille an opportunity to file an amended complaint correcting the deficiencies within 20 days, failing which it would be recommended that this action be dismissed without prejudice for failure to prosecute. *See* Fed. R. Civ. P. 41(b).

That deadline has now passed, and Latraille has not filed an amended complaint. In fact, Latraille has not communicated with the Court about this case at all since commencing this action. 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.

Dated: December 5, 2017

s/ David T. Schultz
David T. Schultz
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 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. LR 72.2(b)(2). All objections and responses must comply with the word or line limits set forth in LR 72.2(c).