

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

NATHANIEL MORRIS, JR.,)
)
 Plaintiff,)
)
 v.) Civ. No. 06-290-SLR
)
BAYHEALTH MEDICAL CENTER,)
)
 Defendant.)

MEMORANDUM ORDER

At Wilmington this 7th day of January, 2008, IT IS ORDERED that the above-captioned action is dismissed for the reasons that follow:

Plaintiff Nathaniel Morris, Jr. (“plaintiff”) filed his complaint against Bayhealth Medical Center (“defendant”) on May 3, 2006. (D.I. 1) In his complaint, plaintiff alleges that he was wrongfully terminated from his job with defendant in violation of: (1) Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000(e), et seq.; (2) the covenant of good faith and fair dealing implied in the employment contract between plaintiff and defendant; and (3) the Delaware Discrimination Employment Statute, 19 Del. Code § 710, et seq. (Id.) Plaintiff seeks damages including punitive damages, attorney fees, and costs. (Id.) Discovery closed June 1, 2007. (D.I. 10) Defendant filed a motion for summary judgment on July 2, 2007. (D.I. 19) On July 26, 2007, in response to plaintiff’s request for additional time, the court granted plaintiff a ninety-day extension of time within which to file an answering brief. (D.I. 23, 24) Plaintiff has never responded

to defendant's motion.¹ On December 4, 2007, the court issued an order requiring plaintiff to provide, by January 4, 2008, his responsive brief, or to show cause why the case should not be dismissed.² (D.I. 26)

Notwithstanding having been provided this second opportunity, plaintiff did not comply with the court's order. This case, therefore, is dismissed pursuant to D. Del. LR 41.1 for failure to prosecute. Defendant's motion for summary judgment (D.I. 19) is denied as moot.


United States District Judge

¹Defendant filed a brief in further support of its motion on November 9, 2007. (D.I. 25)

²Trial is currently scheduled to commence on January 22, 2008. (D.I. 10)