

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

DONALD D. PARKELL,

Plaintiff,

v.

WARDEN PHILLIP PARKER, *et al.*,

Defendants.

Civil Action No. 25-0319-GBW-SRF

ORDER

At Wilmington, Delaware this 30th day of September 2026:

WHEREAS, on March 13, 2025, Plaintiff Donald D. Parkell, (“Plaintiff”), initiated the present action by filing the Motion for Temporary Restraining Order and/or Preliminary Injunction (D.I. 1) and a Motion for Leave to Proceed *in forma pauperis* (D.I. 2);

WHEREAS, on April 2, 2025, the Court granted Plaintiff’s Motion to Proceed *in forma pauperis* (D.I. 6);

WHEREAS, on February 27, 2026, Defendants Stephen Shyers, Lt. John Doe, and Sgt. John Doe (“Defendants”) filed a Motion to Dismiss (D.I. 29);

WHEREAS, on March 13, 2026, the Court referred the present action “to Magistrate Judge Sherry R. Fallon to hear and resolve all pretrial matters, up to and including the resolution of case-dispositive motions, subject to 28 U.S.C. § 636(b) and any further Order of the Court,” (D.I. 32);

WHEREAS, on April 22, 2026, Judge Fallon issued an Order directing Plaintiff to file a response to Defendant’s Motion to Dismiss by May 22, 2026 (D.I. 33);

WHEREAS, on July 13, 2026, Judge Fallon issued an Order to Show Cause, ordering Plaintiff to show cause as to why the present action should not be dismissed with prejudice for failure to prosecute by August 31, 2026 (D.I. 34);

WHEREAS, on September 2, 2026, Judge Fallon issued a Report and Recommendation, recommending that the present action be dismissed with prejudice for lack of prosecution, (D.I. 35) (“the Report and Recommendation”);

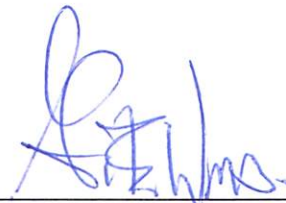
WHEREAS, objections to the Report and Recommendation were due on September 16, 2026, (D.I. 34); *see also* Fed. R. Civ. P. 72(b)(2); D. Del. LR 72(b);

WHEREAS, Plaintiff has not responded to Defendants’ Motion to Dismiss, Judge Fallon’s Order to Show cause, or objected to the Report and Recommendation as of September 30, 2026, (*see Parkell v. Parker et al.*, C.A. No. 25-0319-GBW-SRF); and

WHEREAS, the Court has given the Report and Recommendation reasoned consideration and agrees with its conclusions for the reasons stated therein, *see Equal Emp. Opportunity Comm’n v. City of Long Branch*, 866 F.3d 93, 100 (3d Cir. 2017) (district judges required to give report and recommendation of a magistrate judge, for which no timely objections have been filed, reasoned consideration).

THEREFORE, **IT IS HEREBY ORDERED** that:

1. The Report and Recommendation (D.I. 35) is **ADOPTED**.
2. The case is **DISMISSED** with prejudice for lack of prosecution under Federal Rule of Civil Procedure 41(b).
3. Defendant’s Motion to Dismiss (D.I. 29) is **DENIED-AS-MOOT**.
4. The Clerk of Court is directed to **CLOSE** this case.



GREGORY B. WILLIAMS
UNITED STATES DISTRICT JUDGE