

**UNITED STATES DISTRICT COURT
DISTRICT OF MAINE**

ROBERT NELSON WING,)
)
 PLAINTIFF)
)
 v.)
)
 CITY OF PORTLAND, ET AL.,)
)
 DEFENDANTS)

CIVIL No. 03-88-P-H

ORDER OF DISMISSAL

The claims of the plaintiff, Robert Nelson Wing, in this lawsuit are **DISMISSED WITH PREJUDICE**. On October 10, 2003, Magistrate Judge Cohen held a conference at which Wing was present. Judge Cohen granted the motion of Wing's lawyer, Attorney Lee Bals, to withdraw, Wing having presented no objection. Judge Cohen set a deadline of October 24, 2003, for the entry of appearance by another lawyer. Judge Cohen told Wing that if no one entered an appearance, he would be considered proceeding without a lawyer and had the obligation to provide answers to interrogatories and produce documents by that same date. Moreover, Judge Cohen specifically ordered Wing to appear for deposition on November 6, 2003, warning him that his failure to comply fully with the order could result in a Rule 37 sanction, including dismissal of his lawsuit in its entirety. See ECF Docket Entry # 28. The defendants have shown that Wing

has completely ignored Judge Cohen's Order, failing to engage a substitute lawyer, or to provide the written discovery, or to appear for his deposition. Accordingly, for good cause shown, his lawsuit is **DISMISSED WITH PREJUDICE**. I do not grant default judgment on the counterclaim because that was not referenced in Judge Cohen's order of October 24. The Reply to the Counterclaim, however, is long overdue, and the Clerk shall enter default accordingly.

SO ORDERED.

DATED THIS 10TH DAY OF NOVEMBER, 2003.

/s/D, /BROCK HORNBY
D. BROCK HORNBY
UNITED STATES DISTRICT JUDGE

**U.S. DISTRICT COURT
DISTRICT OF MAINE (PORTLAND)
CIVIL DOCKET FOR CASE #: 03CV88**

Plaintiff

ROBERT NELSON WING

represented by **Robert Nelson Wing, Pro Se**

v.

Defendants

PORTLAND, CITY OF

represented by **Edward R. Benjamin, Jr.**
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PORTLAND**

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Portland and/or State of Maine***

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