

**DISTRICT COURT OF THE VIRGIN ISLANDS
DIVISION OF ST. THOMAS AND ST. JOHN**

JOE MAYOR ALVAREZ,

Plaintiff,

V.

Case Nos. 3:17-cv-0049

SAN JUAN VA MEDICAL CENTER, UNITED STATES OF AMERICA, ROY LESTER SCHNEIDER HOSPITAL, and DR. BRIAN BACOT,

Defendants.

ORDER

THIS MATTER came before the Court *sua sponte*. On July 25, 2017, Joe Mayor Alvarez (“Alvarez”) filed a Complaint against four defendants, alleging negligence, medical malpractice, and assault and battery by Defendants. (ECF No. 1.) On August 18, 2017, the process server returned Affidavits of Service evidencing service of two defendants, San Juan VA Medical Center (“VA Medical Center”) and the United States (“the Government”). (ECF Nos. 11-15.) The Plaintiff and these two Defendants filed a Stipulation of Dismissal on March 13, 2018. As such, the action against the VA Medical Center and the Government was dismissed. The other two defendants, the Roy Lester Schneider Hospital (“the Hospital”) and Dr. Brian Bacot (“Dr. Bacot”), have not made an appearance in this case. Therefore, the Stipulation of Dismissal does not apply to these Defendants. This case has been dormant since March 13, 2018. The Hospital and Dr. Bacot have never answered and it is unclear as to whether Plaintiff properly effected service of process.

Rule 41(b) of the Federal Rules of Civil Procedure allows a court to dismiss a case *sua sponte* for failure to prosecute. *Hooks v. City of Englewood*, No. 17-8635 2020 U.S. Dist. LEXIS 150468, at *5 (D.N.J. May 29, 2020) (quoting *Link v. Wabash Railroad Co.*, 370 U.S. 626, 630 (1962) (holding that Rule 41(b) does not “abrogate the power of courts, acting on their own initiative, to clear their calendars of cases that have remained dormant because of the inaction or dilatoriness of the parties seeking relief”)).

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The premises considered, it is hereby

ORDERED that, Plaintiff Alvarez **SHALL**, within 14 days of the date of this Order, show cause why this case should not be dismissed for failure to prosecute.

Dated: February 24, 2021

/s/ Robert A. Molloy

ROBERT A. MOLLOY

District Judge