

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 08-10778-RGS

STEVEN HUARD

v.

UMASS MEMORIAL HEALTHCARE, ET AL.

MEMORANDUM AND ORDER ON
DEFENDANTS' MOTION TO DISMISS FOR
FAILURE TO MAKE SERVICE

March 30, 2011

STEARNS, D.J.

Pro se plaintiff Steven Huard filed this prisoner's civil rights suit on May 1, 2008. Other than establishing his pro se status, Huard has failed to act in this case – summons remain unserved, and Judge Saris's Order to Show Cause by September 22, 2009, was ignored. Accordingly, notice was sent to Huang on March 1, 2011, under D. Mass. Local Rule 41.1, advising him that his case would be dismissed in thirty days for want of prosecution, as the case has been inactive for more than one year. Huard responded on March 24, 2011, asking the court for "an extension in filing and reconsideration from this court not to dismiss."¹ Huard explains that "within the past

¹ Significantly, Huard fails to specify what he would file and when he would file it.

year . . . he has been transferred to and from three penitentiaries, and . . . has had none or very limited access to any legal materials.”

The court finds the explanation of Huard’s difficulties in litigating this case *this past year* too little, too late. Huard offers no explanation as to why he failed to serve summons more than two years ago, or his neglect in responding to the court’s Show Cause Order in 2009. Moreover, Huard gives no indication that his ability to prosecute this case is improved.

ORDER

For the foregoing reasons, this case is DISMISSED with prejudice. The Clerk will close the case.

SO ORDERED.

/s/ Richard G. Stearns

UNITED STATES DISTRICT JUDGE