

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
INDIANA

Derek Core v. Barnes Sgt.

Core v. Barnes Sgt. · No. 2:24-cv-00621-MPB-MJD · Decided February 3, 2026

SUMMARY

The United States District Court for the Southern District of Indiana dismissed Derek Core's action without prejudice under Federal Rule of Civil Procedure 41(b). The dismissal followed the plaintiff's repeated failures to comply with court orders, respond to discovery, appear at hearings, and respond to an order to show cause.

CASE DETAILS

COURT	United States District Court for the Southern District of Indiana
WRITING FOR THE COURT	Matthew P. Brookman
JURISDICTION	United States District Court for the Southern District of Indiana
DECIDED	February 3, 2026
DOCKET	2:24-cv-00621-MPB-MJD
DISPOSITION	dismissed
PROCEDURAL POSTURE	The district court reviewed and adopted the magistrate judge's report and recommendation recommending dismissal without prejudice under Federal Rule of Civil Procedure 41(b) for repeated failure to comply with court orders.
STANDARD OF REVIEW	The district court reviewed the magistrate judge's report and recommendation in the absence of objections and adopted it in whole.
PRECEDENTIAL VALUE	Unknown
PARTIES	Derek Core v. Barnes Sgt.

TOPICS

- civil procedure
- sanctions
- discovery dispute
- section 1983
- prisoners rights

PRACTICE AREAS

- Civil procedure
- Civil rights
- Prisoner litigation

QUESTIONS PRESENTED

1. Whether the action should be dismissed without prejudice under Federal Rule of Civil Procedure 41(b) because Plaintiff repeatedly failed to comply with court orders and failed to prosecute the action.

HOLDINGS

1. The action may be dismissed without prejudice under Federal Rule of Civil Procedure 41(b) where the plaintiff repeatedly fails to comply with court orders and fails to prosecute the case; based on Plaintiff's repeated noncompliance, dismissal was warranted.

KEY QUOTATIONS

“[A] party cannot decide for itself when it feels like pressing its action and when it feels like taking a break because trial judges have a responsibility to litigants to keep their court calendars as current as humanly possible.” (1198-99)

FACTUAL BACKGROUND

Derek Core failed to respond to discovery served by Defendant, failed to appear in person at a December 11, 2025 hearing, and failed to appear in person at a January 6, 2026 show-cause hearing. He also failed to respond to the order to show cause why the action should not be dismissed based on those failures.

PROCEDURAL HISTORY

The magistrate judge recommended dismissal after Plaintiff failed to respond to discovery, failed to appear personally at two hearings, and failed to respond to an order to show cause. No objection was filed, and the district court adopted the report and recommendation in full and directed entry of final judgment.

DISPOSITION

dismissed

CASES CITED

- GCIU Employer Retirement Fund v. Chicago Tribune Co., 8 F.3d 1195, 1198-99 (7th Cir. 1993)

OPINION

UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF INDIANA TERRE HAUTE DIVISION DEREK CORE,)) Plaintiff,)) v.) No. 2:24-cv-00621-MPB-MJD) BARNES Sgt.,)) Defendant.) ORDER DISMISSING ACTION Magistrate Judge Dinsmore recommended that this action be dismissed without prejudice pursuant to Federal Rule of Civil Procedure 41(b) for Plaintiff Derek Core's repeated failure to comply with the court's orders.

Dkt. 34. Specifically, Magistrate Judge Dinsmore noted: (1) Mr. Core's failure to respond to any discovery served by Defendant; (2) Mr. Core's failure to appear at a December 11, 2025 hearing in

person; and (3) Mr. Core's failure to appear at a January 6, 2026 show cause hearing in person; and (4) Mr. Core's failure to otherwise respond to Magistrate Judge Dinsmore's order to show cause why the case should not be dismissed for the preceding failures.

There has not been any objection to the report and recommendation. The court adopts Magistrate Judge Dinsmore's report and recommendation, dkt. [34], in whole. See *GCIU Employer Retirement Fund v. Chicago Tribune Co.*, 8 F.3d 1195, 1198-99 (7th Cir. 1993) ("[A] party cannot decide for itself when it feels like pressing its action and when it feels like taking a break because trial judges have a responsibility to litigants to keep their court calendars as current as humanly possible.") (quotation marks and citation omitted).

This action is dismissed without prejudice pursuant to Rule 41(b). The clerk is directed to enter final judgment consistent with this order. IT IS SO ORDERED. Dated: February 3, 2026
U fp Matthew P. Brookman, Judge United States District Court Southern District of Indiana
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