

United States Court of Appeals
For the Eighth Circuit

No. 13-3079

Michael Brian Woolman

Plaintiff - Appellant

v.

Time Warner; Facebook.com

Defendants - Appellees

Appeal from United States District Court
for the District of Nebraska - Lincoln

Submitted: November 27, 2013

Filed: December 2, 2013

[Unpublished]

Before MURPHY, SMITH, and SHEPHERD, Circuit Judges.

PER CURIAM.

Michael Woolman appeals the district court's¹ dismissal of his pro se action for failure to prosecute and to comply with a court order. We conclude that the court was

¹The Honorable Laurie Smith Camp, Chief Judge, United States District Court for the District of Nebraska.

well within its discretion to dismiss the action, because Woolman failed to comply with the court's order to file an amended complaint by a certain date, and the court had expressly warned Woolman that failure to comply would result in the dismissal of his claims. Further, the dismissal was without prejudice. See Fed. R. Civ. P. 41(b); Schooley v. Kennedy, 712 F.2d 372, 374 (8th Cir. 1983) (per curiam) (lesser sanction of dismissal without prejudice militates against finding that court abused its discretion in dismissing under Rule 41(b)).

Accordingly, we affirm, see 8th Cir. R. 47B, and we deny as moot the pending motion for discovery.
