

**United States Court of Appeals**  
**FOR THE EIGHTH CIRCUIT**

---

No. 97-3665

---

Deanna Dorosh,

Appellant,

v.

United of Omaha Life Insurance  
Company,

Appellee.

\*  
\*  
\*  
\*  
\*  
\*  
\*  
\*

Appeal from the United States  
District Court for the District  
of Minnesota.

[UNPUBLISHED]

---

Submitted: October 22, 1998

Filed: November 13, 1998

---

Before BOWMAN, Chief Judge, and MORRIS SHEPPARD ARNOLD and  
MURPHY, Circuit Judges.

---

PER CURIAM.

Deanna Dorosh appeals from a judgment of the district court<sup>1</sup> dismissing her personal injury action with prejudice for failure to prosecute. The record reveals that Ms. Dorosh's suit was set for trial on three different occasions but that, partly because of altercations that she was having with her counsel, it never came to trial. On the last

---

<sup>1</sup>The Honorable Ann D. Montgomery, United States District Judge for the District of Minnesota.

date set for trial, Ms. Dorosh appeared without counsel and indicated that she was not prepared to proceed. Although the district court gave her the option of proceeding pro se, either before a jury or, in order to make it easier for her, before the court itself, Ms. Dorosh nevertheless refused to go forward. The district court then dismissed the action with prejudice.

We review an order such as this for an abuse of discretion and will not reverse absent a showing that the district court failed responsibly to exercise its official conscience. See Wright v. Sargent, 869 F.2d 1175, 1176 (8th Cir. 1989) (per curiam). We discern no abuse of discretion here. Ms. Dorosh failed to keep three different trial dates and was warned that a failure to prosecute could result in a dismissal of the action. Cf. Garland v. Peebles, 1 F.3d 683, 687 (8th Cir. 1993), and First General Resources Co. v. Elton Leather Corp., 958 F.2d 204, 206 (8th Cir. 1992) (per curiam). There was much evidence before the district court, moreover, that the delays were attributable to Ms. Dorosh's own conduct, not merely that of her counsel. See Mann v. Lewis, 108 F.3d 145, 147-48 (8th Cir. 1997).

In the circumstances, we detect no legal error in dismissing this case with prejudice, and therefore affirm the district court's order.

A true copy.

Attest:

CLERK, U.S. COURT OF APPEALS, EIGHTH CIRCUIT.