

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF OKLAHOMA**

JASON DOLLARHIDE,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No. 22-cv-642-PRW
	)	
STATE OF OKLAHOMA, <i>ex rel</i>	)	Judge Patrick R. Wyrick
OKLAHOMA HIGHWAY PATROL,	)	
DENNIS DICKENS, individually, <i>et al.</i> ,	)	
	)	
Defendants.	)	

**DEFENDANTS’ REPLY TO PLAINTIFF’S  
RESPONSE TO COURT’S ORDER TO SHOW CAUSE**

Defendants, Oklahoma Highway Patrol, Dennis Dickens, Michael Roe, Mike Sharp, and Robert Winrow (herein after collectively “Defendants”), by and through Assistant Attorneys General Tracy E. Neel and Devan A. Pederson request the Court **DISMISS** this case in its entirety. In support thereof, Defendant would state the following:

1. Plaintiff filed his Complaint on August 2, 2022. (*See* Doc.1).
2. On December 2,2022, the Court ordered the Plaintiff, to show cause by December 16, 2022, why the action should not be dismissed for failure to properly serve the Defendants. (*See* Doc.3).
3. On February 15, 2023, Defendants Shannon Lyon and Brett Thomas filed their Motion to Dismiss and Brief in Support. (*See* Doc.15).

4. On February 15, 2023, Defendants Oklahoma Highway Patrol, Dennis Dickens, Michael Roe, Mike Sharp, and Robert Winrow filed their Motion to Dismiss and Brief in Support. (*See* Doc.17).

5. After all Defendants had filed their respective Motions to Dismiss, Plaintiff filed a Motion for Leave of the Court to file an Amended Complaint on March 1, 2023. (*See* Doc.21). On March 2, 2023, Plaintiff filed an Unopposed Motion for Leave of the Court to File an Amended Complaint. (*See* Doc.22).

6. On March 7, 2023, the Court entered an Order Denying Plaintiff's Unopposed Motion for Leave of the Court to File an Amended Complaint as Plaintiff had failed to attach the proposed pleading as an exhibit to his motion in compliance with LCvR15.1. (*See* Doc.25).

7. On June 23, 2023, the Court issued an Order Dismissing Plaintiff's Complaint without prejudice and giving him until July 24, 2023, to file a motion for leave to amend. (*See* Doc. 29).

8. Plaintiff filed a Motion for Leave of the Court to File First Amended Complaint on July 24, 2023. (*See* Doc. 30).

9. On August 14, 2023, Defendants Lyon and Sharp filed a Response in Opposition to Plaintiff's Motion to File First Amended Complaint. (*See* Doc. 35).

10. On August 14, 2023, Defendants State of Oklahoma and Dennis Dickens filed a Response to Plaintiff's Motion to File First Amended Complaint. (*See* Doc. 36).

11. On March 29, 2024, the Court granted in part and denied in part Plaintiff's Motion for Leave of the Court to File First Amended Complaint. The Court ordered that

Plaintiff either file an amended complaint that omits the Opposing Defendants or include specific factual allegations as to each Opposing Defendant so that they were on fair notice of the claims against them. (*See* Doc. 38).

12. On April 10, 2024, as Plaintiff had not complied with the Court's March 29<sup>th</sup> Order, the Court ordered Plaintiff to file his amended complaint by April 30, 2024. (*See* Doc. 39).

13. On May 13, 2024, after Plaintiff again failed to comply with the Court's April 10<sup>th</sup> Order, The Court ordered Plaintiff to show cause by May 23, 2023, as to why Plaintiff's claims should not be dismissed without prejudice for failure to prosecute. (*See* Doc. 40).

14. Plaintiff filed a response to the Court's Order to Show Cause on May 23, 2024, in which Plaintiff agreed to the dismissal of all named Defendants excluding Dennis Dickens and the Oklahoma Highway Patrol. However, Plaintiff wholly failed to show cause as to why Plaintiff's claims should not be dismissed without prejudice for failure to prosecute or to address the Court's May 13<sup>th</sup> order in any way. (*See* Doc. 41).

15. This case has been pending since August of 2022, with the Court original dismissing Plaintiff's Complaint in June 2023. Plaintiff has failed to properly file an Amended Complaint or comply with the Court's Orders in the year since his Complaint was originally Dismissed. The continual failure to comply with the Court's orders is a misuse of valuable time and resources for both the Court and the Defendants. Furthermore, the continued delays only serve to prejudice the Defendants as they are unable to determine what claims they are required to defend against.

WHEREFORE, Defendants respectfully request the Court dismiss this case in its entirety due to Plaintiff's failures to comply with the Court's orders, Plaintiff's failure to properly show cause in accordance with the Court's May 13<sup>th</sup> Order, and Plaintiff's failure to prosecute this matter.

Respectfully submitted,

s/ Tracy E. Neel

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s/ Devan A. Pederson

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*Attorney for Defendants, Shannon Lyons and Brett Thomas*

**CERTIFICATE OF SERVICE**

I hereby certify that on this 30<sup>th</sup> day of May 2024, I electronically transmitted the foregoing document to the Clerk of Court using the ECF System for filing and transmittal of a Notice of Electronic Filing to the following ECF registrants:

Rickey J. Knighton II  
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James A. Conrady  
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s/ Tracy E. Neel  
**Tracy E. Neel**