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Greene v. London Harness

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Docket No. 01-1191

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NOT PRECEDENTIAL

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

NO. 01-1191

DARYL L. GREENE,
Appellant

v.

LONDON HARNESS & CABLE

On Appeal From the United States District Court
for the Eastern District of Pennsylvania
D.C. Civil No. 99-cv-03807
District Judge: James McGirr Kelly

Submitted Pursuant to Third Circuit LAR 34.1(a)
April 8, 2002

BEFORE: McKee, Barry, Circuit Judges, and
Alarcon, Senior Circuit Judge

(Filed: April 15, 2002)

OPINION OF THE COURT

McKee, Circuit Judge.

Daryl Greene appeals the order of the district court dismissing his complaint against the defendant with prejudice pursuant to *Poulis v. State Farm Fire & Casualty Co.*, 747 F.2d 863, 868 (3d Cir. 1984). For the reasons that follow, we will affirm.

Inasmuch as we write only for the parties who are aware of the circumstances and background of the litigation, we will not reiterate those facts except as maybe necessary to our brief discussion. In its Findings of Fact and Conclusions of Law filed December 21, 2000, the district court set forth its reasoning for imposing the sanction of dismissal based upon counsel's derelictions in this matter. We will affirm the dismissal substantially for the reasons set forth therein. We do not believe the district court's findings are clearly erroneous, and we conclude that those findings support the sanction which the court selected under *Poulis*. We also conclude that the district court's Memorandum Order dated April 4, 2001 explaining why it was unwilling to reconsider its dismissal adequately explains the court's actions and its reasons for refusing to reconsider its ruling. Accordingly, for the reasons set forth in the court's Findings of Facts, Conclusions of Law and Memorandum Order, we will affirm.

TO THE CLERK:

Please file the foregoing opinion.

By the Court,
/s/ Theodore A. McKee
Circuit Judge