

**UNITED STATES COURT OF APPEALS**  
**FOR THE TENTH CIRCUIT**

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**JAN 8 2001**

**PATRICK FISHER**  
Clerk

VENITA DE FOE,

Plaintiff-Appellant,

v.

SPRINT/UNITED MIDWEST  
MANAGEMENT SERVICES  
COMPANY, doing business as Sprint  
Long Distance,

Defendant-Appellee.

No. 00-3191  
(D.C. No. 98-CV-2366-JWL)  
(D. Kan.)  
(196 F.R.D. 392)

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**ORDER AND JUDGMENT** \*

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Before **BRISCOE** , **ANDERSON** , and **MURPHY** , Circuit Judges.

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After examining the briefs and appellate record, this panel has determined unanimously that oral argument would not materially assist the determination of this appeal. See Fed. R. App. P. 34(a)(2); 10th Cir. R. 34.1(G). The case is therefore ordered submitted without oral argument.

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\* This order and judgment is not binding precedent, except under the doctrines of law of the case, res judicata, and collateral estoppel. The court generally disfavors the citation of orders and judgments; nevertheless, an order and judgment may be cited under the terms and conditions of 10th Cir. R. 36.3.

Plaintiff seeks review of an order of the district court dismissing her employment discrimination action based on alleged sexual harassment by her supervisor. The court dismissed the action with prejudice because of plaintiff's repeated and wilful disobedience of the court's orders. We have jurisdiction under 28 U.S.C. § 1291, and we affirm.

Although plaintiff's appellate arguments are far from clearly stated, we have reviewed the parties' briefs and the record and are persuaded that the district court did not abuse its discretion in denying plaintiff's many motions for default judgment, which were based on her claim that the defendants named in the original complaint had not timely answered the complaint. See Dennis Garberg & Assocs., Inc. v. Pack-Tech Int'l Corp., 115 F.3d 767, 771 (10th Cir. 1997) (district court's decision to enter default judgment is committed to sound discretion of district court). The district court adequately explained its denial of plaintiff's requests for default judgment.

Nor did the court abuse its discretion in dismissing plaintiff's action. See Ehrenhaus v. Reynolds, 965 F.2d 916, 918 (10th Cir. 1992) (district court has discretion to dismiss action upon consideration of all relevant factors if dismissal alone would satisfy interests of justice). The court alerted plaintiff to her need to comply with its orders and the federal procedural rules. See M.M. v. Zavaras, 139 F.3d 798, 804 (10th Cir. 1998) ("The record in this case establishes that

plaintiff was given several opportunities to comply with the federal rules of procedure governing the case and the orders of the court, and that she was warned in the event of a failure to do so her case would be dismissed”). We therefore affirm the district court for substantially the reasons stated in its Memorandum and Order filed June 15, 2000. See DeFoe v. Sprint/United Mgmt. Co., 196 F.R.D. 392 (D. Kan. 2000).

In view of our disposition of this appeal, plaintiff’s motion on “Incorrect Filing on Defendant’s Name,” and defendant’s motion to strike certain exhibits attached to plaintiff’s reply brief are denied as moot. Accordingly, the judgment of the United States District Court for the District of Kansas is AFFIRMED.

Entered for the Court

Michael R. Murphy  
Circuit Judge