

NOT PRECEDENTIAL

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 07-1123

PATRICK D. TILLIO, SR.

Appellant

v.

JULES MENDELSON

On Appeal from the United States District Court
for the Eastern District of Pennsylvania
(D. C. No. 06-cv-01977)
District Judge: Hon. Cynthia M. Rufe

Submitted under Third Circuit LAR 34.1(a)
July 25, 2007

Before: BARRY, CHAGARES AND ROTH, Circuit Judges

Opinion filed November 29, 2007

OPINION

PER CURIAM

Appellant Patrick D. Tillio, Sr. appeals from the District Court's order dismissing his

pro se complaint for failure to prosecute. We will **affirm**.

In May 2006, Tillio filed a pro se complaint apparently arising out of the tax sale of his property. The next month, Tillio attempted to serve the defendant with the summons and complaint. No further activity in the case occurred until November 28, 2006, when the District Court ordered Tillio to show cause within 14 days why the action should not be dismissed for failure to prosecute. Tillio failed to respond, and the District Court dismissed the action on December 20, 2006. This timely appeal followed.

Even according Tillio the special consideration afforded to pro se litigants, we conclude that the District Court did not abuse its discretion. After several months of inactivity, the District Court directed Tillio to show cause why the case should not be dismissed, warned him that failure to comply with its show cause order could result in dismissal, and provided him an opportunity to respond. Tillio has not explained his failure to prosecute this action, and there is no indication that he failed to receive the show cause order or that he did not understand it.

For these reasons, we will affirm the District Court's order dismissing the case.