

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 00-20591  
Summary Calendar

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DELIA RODRIGUEZ,

Plaintiff-Appellant,

versus

NATIONAL UNION FIRE INSURANCE COMPANY OF PITTSBURGH,  
PENNSYLVANIA; ET AL

Defendants,

NATIONAL UNION FIRE INSURANCE COMPANY OF PITTSBURGH,  
PENNSYLVANIA,

Defendant - Appellee.

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Appeal from the United States District Court  
for the Southern District of Texas  
USDC No. H:93-CV-3164  
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January 3, 2001

Before SMITH, BENAVIDES, and DENNIS, Circuit Judges.

PER CURIAM:\*

Delia Rodriguez appeals from the judgment of the district court that dismissed without prejudice, her bad faith claim against Nations Union Fire Insurance Company of Pittsburgh, Pennsylvania. The appellant's asserted compliance with the requirement in the district

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\* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

court's stay order that status reports be periodically filed with respect to her underlying workers' compensation claim before the Texas Workers' Compensation Commission, did not relieve her of her duty to prosecute her bad faith claim. For nearly four years after her workers' compensation claim was settled she took no action to prosecute her bad faith claim in the district court. Repeated reports to the court that she had not settled her claims with the appellee and that appellee had not responded to her settlement offer does not excuse her failure to prosecute her claims. Once the basis for the stay order ceased to exist, appellant should have proceeded to have the stay lifted and taken action to prosecute her claims. Accordingly, we agree that the reasons recited for the district court's dismissal, in its order dated June 1, provided a sound basis for the dismissal of Rodriguez's claim. No abuse of discretion having been shown, the judgment is AFFIRMED.