

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

**EMILE MAXMILLION SAINT  
PATRICK HIGGINS,**

**Plaintiff,**

**v.**

**GOVERNMENT OF THE DISTRICT  
OF COLUMBIA, *et al.*,**

**Defendants.**

**Civil Action 03-89 (HHK)**

**MEMORANDUM**

This action, brought under 42 U.S.C. § 1983, is before the Court on defendant District of Columbia's motion to dismiss for failure to state a claim upon which relief may be granted. The complaint against the Department of Corrections and District of Columbia Jail Warden Steven Smith was previously dismissed. *See* Order (Oct. 7, 2004). By Order of July 21, 2005, plaintiff was advised to respond to the remaining defendant's motion by August 31, 2005, or risk dismissal of the complaint. Plaintiff has neither responded to the motion nor sought additional time to respond. The Court therefore will grant the District of Columbia's motion to dismiss as conceded and will dismiss the case in its entirety. A separate Order accompanies this Memorandum.

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s/s  
Henry H. Kennedy, Jr.  
United States District Judge

Date: October 6, 2005