

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

Donald Hairston, Jr.,

Plaintiff,

v.

Federal Bureau of Investigation,

Defendant.

Civil Action No. 05-1618 (JDB)

MEMORANDUM

\_\_\_\_\_ Plaintiff filed this action seeking the return of property seized by the Federal Bureau of Investigation upon his arrest. Defendant moves to dismiss the complaint on the grounds of sovereign immunity and mootness. In support of the latter ground, defendant has proffered the declaration of FBI Special Agent Stanley G. Pavlak, Jr., who states that plaintiff's property has been returned to him.

By Order of May 25, 2006, plaintiff was directed to respond to defendant's motion to dismiss by June 30, 2006, or risk dismissal of the case on what would be deemed a conceded motion. Plaintiff has not opposed the motion or sought additional time to do so. The Court therefore finds that plaintiff has conceded the meritorious grounds for dismissal. A separate Order of dismissal accompanies this Memorandum.

s/

\_\_\_\_\_  
JOHN D. BATES  
United States District Judge

Dated: August 2, 2006