UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

ECF

CLARENCE PEOPLES, et al.,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	**Civil Action No. 07-0903 (RJL)**
	)	
JOHN E. POTTER, et al.,	)	
	)	
Defendants.	)	

MEMORANDUM OPINION
(May 22, 2008) [#7]

Plaintiffs, Clarence Peoples and Hallad Little, brought this action against defendants, John E. Potter, United States Postmaster General, and Alexander Lazaroff, Chief Postal Inspector, seeking damages and other relief for alleged employment discrimination pursuant to Title VII of the Civil Rights Act of 1964. Presently before the Court is defendants' motion to dismiss, filed February 19, 2008, on the grounds that plaintiffs have not properly served the defendants with the summons and complaint as required under Federal Rule of Civil Procedure 4(m). For the following reasons, the Court GRANTS defendants' motion to dismiss.

Local Rule of Civil Procedure 7(b) provides that an opposing party has 11 days to file a memorandum in opposition to the motion and if such party fails to do so, the court may treat the motion as conceded. LCvR. 7(b). This rule is a "docket-management tool that facilitates efficient and effective resolution of motions by requiring the prompt joining of issues." *Fox v. American Airlines, Inc.*, 389 F.3d 1291, 1294 (D.C. Cir. 2004). In *Fox*, the

D.C. Circuit affirmed the District Court's holding that "because the plaintiffs failed to respond to the defendant's...motion, the court treats the motion as conceded and grants the motion." *Id.* (quoting *Fox v. American Airlines, Inc.*, No. 04-7006 (Mem. Op. Aug. 5, 2003)). Whether to treat the motion as conceded under Local Rule of Civil Procedure 7(b) is highly discretionary; and our Circuit Court has noted that "[w]here the district court relies on the absence of a response as a basis for treating the motion as conceded, [the D.C. Circuit will] honor its enforcement of the rule." *Twelve John Does v. District of Columbia*, 117 F.3d 571, 577 (D.C. Cir. 1997).

In light of the fact that plaintiffs failed to file an opposition to defendants' motion to dismiss, the Court will treat defendants' motion as conceded. LCvR 7(b). Therefore, in light of the plaintiff's concession and based on a review of the pleadings, the relevant law cited therein, and the record, the Court finds in favor of the defendants and GRANTS [#7] defendants' motion to dismiss without prejudice. An appropriate Order will issue with this Memorandum Opinion.

RICHARD J. LEON
United States District Judge