

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

JAMES G. KING JR.,

Plaintiff,

v.

WELLS FARGO BANK,

Defendant.

Civil Action 07-01999 (HHK)

MEMORANDUM OPINION

On November 6, 2007, plaintiff, proceeding *pro se*, filed this action seeking a temporary restraining order to halt foreclosure proceedings at 5321 Blaine Street, Washington, D.C. On March 19, 2008, defendant filed a motion to dismiss [# 19].

On June 17, 2008, the court issued an order [# 26], in accordance with *Fox v. Strickland*, 837 F.2d 507 (D.C. Cir. 1988).¹ The order advised plaintiff that if he failed to respond to defendant's motion the court could treat the motion as conceded and enter judgment in favor of defendant pursuant to Local Civil Rule 7(b). Rule 7(b) states, in pertinent part, that if a memorandum of points and authorities in opposition to a motion is not filed, "the Court may treat the motion as conceded." LCvR 7(b).

Plaintiff has not filed a memorandum of points and authorities in opposition to defendant's motion to dismiss. Consequently, the court shall deem the motion as conceded. The

¹ The June 17th *Fox* order was the third *Fox* order sent to Mr. King. Because Mr. King listed several different home addresses on his complaint, it was unclear whether the previous *Fox* orders were mailed to the correct address. Thus, after plaintiff filed a notice of change of address with the court on June 5, 2008 [# 24], the court ordered on June 17, 2008 that a *Fox* order be sent to the new address[# 26].

court also observes that defendant's motion appears to have substantive merit. An appropriate order accompanies this memorandum.

July 24, 2008

Henry H. Kennedy, Jr.
United States District Judge