UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

J.M. *et al.*,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	**Civ. Action No. 09-1769 (RJL)**
	)	
RHEE *et al.*,	)	
	)	
Defendants.	)	

MEMORANDUM OPINION AND ORDER
(April 15, 2010) [#2]

Plaintiff, J.M., brought this action against defendants Michelle Rhee ("Rhee"), Kerri Briggs ("Briggs"), and the District of Columbia, seeking monetary and injunctive relief under the Individuals with Disabilities Education Act, 20 U.S.C. §§1400 *et seq* ("IDEA"). Presently before the Court is defendants' Motion to Dismiss individual defendants Rhee and Briggs, claiming that the complaint fails to identify any specific actions by or request relief from individual defendants Rhee and Briggs. For the following reasons, the Court **GRANTS** defendants' motion to dismiss.

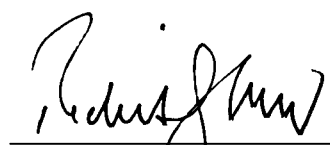
Local Rule of Civil Procedure 7(b) provides that an opposing party has 14 days to file a memorandum in opposition to the motion and if such party fails to do so, the court may treat the motion as conceded. LCvR 7(b). This rule is a "docket-management tool that facilitates efficient and effective resolution 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.* (citations omitted). 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 "where 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 plaintiff 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, it is hereby

ORDERED that defendants' Motion to Dismiss Rhee and Briggs from this action [#2] is **GRANTED**.

SO ORDERED.



RICHARD J. LEON
United States District Judge