

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

<b>FRANK DICKERSON,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>v.</b>	)	<b>Civ. Action No. 09-2038 (ESH)</b>
	)	
<b>FEDERAL BUREAU OF PRISONS <i>et al.</i>,</b>	)	
	)	
<b>Defendants.</b>	)	
_____	)	

**MEMORANDUM**

Pending before the Court is defendants' motion to dismiss under Fed. R. Civ. P. 12(b)(6) or for summary judgment under Rule 56. By Order of January 21, 2011, plaintiff was advised to respond to defendants' dispositive motion by February 25, 2011, or risk dismissal of the case on what the Court would treat as a conceded motion. On February 8, 2011, and April 13, 2011, the Court granted plaintiff's respective motion to enlarge the time to file his response; his latest deadline was June 7, 2011. Plaintiff has not filed a response to the pending dispositive motion. Therefore, the Court will treat the motion as conceded and dismiss the case. *See FDIC v. Bender*, 127 F.3d 58, 68 (D.C. Cir. 1997) (discretion lies wholly with the district court to grant motion to dismiss as conceded); *In re Miller*, 2004 WL 963819, \*1 (D.C. Cir., May 4, 2004) (In managing its docket under the circumstances presented, "the court may choose to . . . resolve the motion for summary judgment on the merits without an opposition . . . or [] treat summary judgment as conceded."). A separate Order accompanies this Memorandum.

DATE: June 14, 2011

\_\_\_\_\_/s/\_\_\_\_\_  
ELLEN SEGAL HUVELLE  
United States District Judge