

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

RANDALL TODD ROYER,

Plaintiff,

v.

FEDERAL BUREAU OF PRISONS,

Defendant.

Civil Action No. 10-1196 (RCL)

MEMORANDUM OPINION

On November 16, 2011, defendant filed a motion to dismiss the amended complaint, to transfer this action to the United States District Court of the District of Colorado, or for summary judgment [Dkt. #38]. In its November 17, 2011 Order, the Court advised plaintiff, among other things, of his obligation to file an opposition or other response to the motion. Further, that Order expressly warned plaintiff that, if he failed to file his opposition by December 23, 2011, the Court would treat the motion as conceded.


On November 28, 2011, plaintiff filed a motion [Dkt. #40] under former Fed. R. Civ. P. 56(f) requesting leave to conduct discovery.¹ According to plaintiff, he did not “possess or have access to facts that would be essential to his opposition.” Mot. for Disc. Order ¶ 4. The Court denied the motion on January 12, 2012 [Dkt. #46], and extended the deadline for plaintiff’s

¹ Rule 56 has since been revised. The current rule provides that, “[i]f a nonmovant shows . . . that, for specified reasons, [he] cannot present facts essential to justify [his] opposition, the court may . . . allow time to obtain affidavits or declarations or to take discovery.” Fed. R. Civ. P. 56(d)(2).

plaintiff's opposition to February 10, 2012.

To date, plaintiff neither has notified the Clerk of a change of address, has filed an opposition, nor has requested additional time to file an opposition. Accordingly, the Court treats defendant's motion as conceded.

An Order accompanies this Memorandum Opinion.


ROYCE C. LAMBERTH
United States District Judge

DATE: 3/23/12