

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

PRINCE EDWARD JONES,

Plaintiff,

v.

DISTRICT OF COLUMBIA, *et al.*,

Defendants.

Civil Action No. 11-0275 (BAH)

MEMORANDUM OPINION

On July 6, 2011, the federal defendants filed a motion to dismiss the complaint. In its July 7, 2011 Order, the Court advised the plaintiff, among other things, of his obligation to file an opposition or other response to the motion. Further, that Order expressly warned the plaintiff that, if he failed to file his opposition by August 12, 2011, the Court would treat the motion as conceded. To date, the plaintiff neither has filed an opposition nor requested additional time to do so.

Local Civil Rule 7(b) states: “Within 14 days of the date of service or at such other time as the Court may direct, an opposing party shall serve and file a memorandum of points and authorities in opposition to the motion. If such a memorandum is not filed within the prescribed time, the Court may treat the motion as conceded.” The purpose of this rule is to “is to assist the district court in maintaining docket control and deciding motions . . . efficiently and effectively.” *FDIC v. Bender*, 127 F.3d 58, 67 (D.C. Cir. 1997) (discussing prior Local Rule 108(b)). “The Court need not provide notice before enforcing the rule or offer a party an opportunity to explain its failure to comply.” *Vemuri v. Napolitano*, No. 10-cv-199, 2011 WL 1031344 at *1 (D.D. C.

2011) (citing *Fox v. Am. Airlines*, 389 F.3d 1291, 1295 (D.C. Cir. 2004)). The “discretion to enforce this rule lies wholly with the district court.” *Bender*, 127 F.3d at 68. The D.C. Circuit reviews the court’s decision to apply Local Rule 7(b) for abuse of discretion, *id.* at 67, and “where the district court relies on the absence of a response as a basis for treating the motion as conceded, [the D.C. Circuit] honor[s] its enforcement of the rule.” *Twelve John Does v. District of Columbia*, 117 F.3d 571, 577 (D.C. Cir. 1997).

In view of the plaintiff’s failure to file any response to the federal defendants’ motion to dismiss the complaint, the Court will treat this motion as conceded.

An Order accompanies this Memorandum Opinion.

/s/ *Beryl A. Howell*
BERYL A. HOWELL
United States District Judge

DATE: September 1, 2011