

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

EUREKA HOPSON,

Plaintiff,

v.

FEDERAL BUREAU OF PRISONS,

Defendant.

Civil Action No. 12-1449 (RJL)


MEMORANDUM

January 9, 2013

In this action brought under the Freedom of Information Act (“FOIA”), 5 U.S.C. § 552, and the Federal Tort Claims Act (“FTCA”), 28 U.S.C. § 2671 *et seq.*, defendant moves to dismiss plaintiff’s FOIA claims under Federal Rules of Civil Procedure 12(b)(1) and 12(b)(6) and plaintiff’s FTCA claim under Rule 12(b)(3) for improper venue. Defendant also moves, in the alternative, to transfer plaintiff’s FTCA claim. Def.’s Mot. to Dismiss [Dkt. # 9]. By Order of October 22, 2012 [Dkt. # 10], plaintiff was directed to respond to defendant’s motion to dismiss by November 26, 2012. Plaintiff was advised that his failure to oppose the motion could result in dismissal of the case on what would be treated as a conceded motion. Plaintiff has neither opposed defendant’s motion nor sought additional time to do so. The Court therefore will grant defendant’s motion to dismiss as conceded and dismiss the case pursuant to Local Civil Rule 7(b). *See Slovynec v. Amer. Univ.*, 520 F. Supp. 2d 107, 111 (D.D.C. 2007)

(discussing enforcement of the local rule). A separate Order accompanies this Memorandum.



RICHARD J. LEON
United States District Judge