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

| | | |
|---|---|---|
| **ERIC A. HICKS,** | ) | |
| | ) | |
| **Plaintiff,** | ) | |
| | ) | |
| **v.** | ) | **Civ. Action No. 13-0033 (ESH)** |
| | ) | |
| **EXECUTIVE OFFICE FOR U.S. ATTORNEYS,** | ) | |
| | ) | |
| **Defendants.** | ) | |
| _____ | ) | |

**MEMORANDUM OPINION**

Pending before the Court is Defendant's Motion to Dismiss or for Summary Judgment [ECF No. 14]. By Order of July 25, 2013, plaintiff was advised to respond to defendant's motion by August 26, 2013, or risk dismissal of the case on what the Court might treat as a conceded motion. Plaintiff has neither filed a response to the pending motion to dismiss nor sought additional time to do so. 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). A separate Order accompanies this Memorandum Opinion.

_____/s/_____
ELLEN SEGAL HUVELLE
United States District Judge

DATE: August 30, 2013