

)	
DAVID LEE NELSON,)	
)	
Plaintiff,)	
)	
v.)	No. 18-cv-2934 (KBJ)
)	
DAVID BERNHARDT, <i>Acting</i>)	
<i>Secretary, Department of the Interior,</i>)	
)	
Defendant.)	
)	

On April 3, 2019, the defendant in this matter filed a motion to dismiss Plaintiff David Lee Nelson’s complaint. (*See* Def.’s Mot. to Dismiss, ECF No. 8.) On April 5, 2019, the Court advised Nelson of his obligations under the Federal Rules of Civil Procedure and the local rules of this Court to respond to the motion, and specifically warned Nelson that, if he did not respond to the motion by May 6, 2019, the Court may treat the motion as conceded. (*See* Order, ECF No. 9.) Nelson failed to respond timely to the motion. Accordingly, on May 9, 2019, the Court issued a Memorandum Opinion (*see* Mem. Op., ECF No. 11) and Order (*see* Order, ECF No. 10) granting Defendant’s motion to dismiss as conceded.

On June 5, 2019, Nelson filed a Motion for Relief from Judgment, citing difficulty receiving this Court's orders by mail. (*See* Pl.'s Mot. for Relief, ECF No. 12, at 1.) The Court granted Nelson's motion, reopened the case, and ordered Nelson to respond to Defendant's motion on or before July 12, 2019. (*See* Min. Order of June 11, 2019.) On June 25, 2019, Nelson filed a Motion to have the Court's April order resent

(*see* Pl.’s Mot. to Have Apr. 15, 2019 Order Resent, ECF No. 13), which the Court granted with instructions to the Clerk to mail a copy of its April 5, 2019 Order to Nelson as requested. (*See* Min. Order of June 26, 2019 (instructing the Clerk to mail a copy of ECF No. 9 to Nelson).)¹

It is now 17 days after the July 12, 2019 deadline to respond to Defendant’s motion to dismiss (*see* Min. Order of June 11, 2019), and Nelson has neither filed an opposition to Defendant’s motion to dismiss, nor has he requested more time to do so. Therefore, the Court will **GRANT** defendant’s motion as conceded and will **DISMISS** this action without prejudice.

A separate Order accompanies this Memorandum Opinion.

DATE: July 29, 2019

Ketanji Brown Jackson

KETANJI BROWN JACKSON
United States District Judge

¹ Nelson’s motion requested the “April 15, 2019 Order.” (*See* ECF No. 13.) However, Nelson’s motion appeared to reference the only Order issued by this Court in April, which was filed on April 5, 2019. (*See* ECF No. 9.)