

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

A.U. et al.,

Plaintiffs,

v.

DISTRICT OF COLUMBIA et al.,

Defendants.

Civil Action No. 19-3512 (TJK/GMH)

ORDER

This matter is before the Court on the Report and Recommendation filed by Magistrate Judge G. Michael Harvey on July 30, 2020. *See* ECF No. 12 (“R&R”). The Report and Recommendation cautioned the parties that failing to file an objection within 14 days of receipt could lead to waiver of the right to further review of the issues addressed. *Id.* at 36–37. Neither party objected to the Report and Recommendation, and the deadline to do so has passed. *See* LCvR 72.3(b).¹

Plaintiff A.U., a minor student with disabilities, and her parents, Pamela Uqdah and Taalib-Din Abdul Uqdah, brought this action under the Individuals with Disabilities Education Improvement Act, 20 U.S.C. § 1400 *et seq.*, the Rehabilitation Act, 20 U.S.C. § 794, the Americans with Disabilities Act, 42 U.S.C. § 12132, and 42 U.S.C. § 1983. *See* ECF No. 1 at 2; R&R at 1. Plaintiffs sought injunctive and compensatory relief in connection with the District of Columbia Public Schools’ alleged repeated failures to provide A.U. with the special education to

¹ Plaintiffs filed a “Motion for Clarification,” ECF No. 13, in which they expressed confusion as to one of Magistrate Judge Harvey’s alternative recommendations on an issue other than exhaustion of administrative remedies, but disclaimed any intention to challenge the R&R. Magistrate Judge Harvey denied the motion. ECF No. 14.

which she is entitled in a timely manner at the start of each school year. *See* ECF No. 1 at 2. Defendants moved to dismiss. ECF No. 4. Magistrate Judge Harvey, in a 37-page opinion, recommended that the Court grant the motion to dismiss because, among other things, Plaintiffs failed to exhaust administrative remedies. R&R at 21, 28, 31, 35–36.

After independent consideration of the Report and Recommendation, the lack of any objection, the entire record, and the applicable law, the Court **ORDERS** that:

1. The Report and Recommendation is hereby **ADOPTED** in its entirety; and
2. Defendants’ Motion to Dismiss, ECF No. 4, is **GRANTED**.

The Clerk of Court is directed to close the case.

SO ORDERED.

/s/ Timothy J. Kelly
TIMOTHY J. KELLY
United States District Judge

Date: August 17, 2020