

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

**TYRELL L. JONES EILAND,**

*Plaintiff,*

**v.**

**HOWARD UNIVERSITY,**

*Defendant.*

**Civil Action No. 22-106 (FYP)**

**ORDER**

On January 13, 2022, Plaintiff Tyrell L. Jones Eiland filed a Complaint against Defendant Wayne A.I. Frederick, president of Howard University. *See* ECF No. 1. On April 21, 2022, Plaintiff filed an Amended Complaint, adding Howard University as a Defendant. *See* ECF No. 11. Defendant Frederick filed a Motion to Dismiss Plaintiff's Complaint pursuant to Federal Rule of Civil Procedure 12(b)(6), *see* ECF No. 13; and the Court granted that Motion as conceded, after Plaintiff failed to respond to the Motion in the time allowed by the Court's Order. *See* Order, dated June 10, 2022.

Defendant Howard University filed a Motion to Dismiss on June 23, 2022. *See* ECF No. 17 (Defendant's Motion). Because Plaintiff is proceeding *pro se*, the Court issued an Order advising Plaintiff of his obligation to respond to Defendant's Motion to Dismiss, under the Federal Rules of Civil Procedure and the Local Rules of this Court, and setting the deadline of July 21, 2022, for Plaintiff to file his response. *See* Order, dated June 23, 2022 (citing *Fox v. Strickland*, 837 F.2d 507, 509 (D.C. Cir. 1988); and *Neal v. Kelly*, 963 F.2d 453, 456 (D.C. Cir. 1992)). The Court further cautioned Plaintiff that failure to respond could result in the Court granting the Motion as conceded. *Id.*

Plaintiff neither filed an opposition to Defendant's Motion to Dismiss, nor requested an extension of time to respond to the Motion, within the time allowed in the Court's Order. Local Civil Rule 7(b) provides that if a memorandum in opposition to a party's motion is not filed within the prescribed time, "the Court may treat the motion as conceded." Rule 7(b) "is a docket-management tool that facilitates efficient and effective resolution of motions." *Texas v. United States*, 798 F.3d 1108, 1113 (D.C. Cir. 2015) (quoting *Fox v. Am. Airlines, Inc.*, 389 F.3d 1291, 1294 (D.C. Cir. 2004)). "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*, 771 F. Supp. 2d 27, 28 (D.D.C. 2011) (citing *Fox*, 389 F.3d at 1295).

Given Plaintiff's failure to respond to Defendant Howard University's Motion, pursuant to Local Civil Rule 7(b), it is hereby

**ORDERED** that Defendant Howard University's Motion to Dismiss is **GRANTED** as conceded.

**SO ORDERED.**

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FLORENCE Y. PAN  
United States District Judge

Date: August 5, 2022