COLBERT v. HARRIS TEETER, INC. Doc. 6

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

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| ANTONIO COLBERT,<br><br>Plaintiff,<br><br>v.<br><br>HARRIS TEETER, INC.,<br><br>Defendant. | ) | Civil Action No. 11-503 (JDB) |

**MEMORANDUM**

Plaintiff filed this action in Superior Court against defendant Harris Teeter, Inc., complaining that his attempt to eat dinner at defendant's establishment was interrupted by security personnel who harassed him. Defendant removed the case and has now moved to dismiss for failure to state a claim upon which relief can be granted under Federal Rule of Civil Procedure 12(b)(6) and has alternatively moved for judgment on the pleadings under Federal Rule of Civil Procedure 12(c). *See* Mot. to Dismiss or, in the Alternative, for J. on the Pleadings, ECF No. 4. The Court ordered plaintiff to respond to defendant's motion on or before May 9, 2011 and warned plaintiff that failure to timely respond could result in defendant's motion being granted as conceded. Order, ECF No. 5. To date, plaintiff has not filed any response. The Court will therefore grant the motion to dismiss as conceded and dismiss this case. A separate order consistent with this Memorandum shall issue this date.

/s/
JOHN D. BATES
United States District Judge

DATE: May 18, 2011

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