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NOT FOR PUBLICATION

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

Larry Lee Robinson,)
)
 Plaintiff,)
)
 v.)
)
 Swift Transportation, et al.)
)
 Defendants,)
)
 _____)

ORDER
No. CIV-05-1244-PHX-SRB

Defendants Martin and Freet filed a Motion to Dismiss on December 19, 2007 and served Plaintiff on that same date. On December 20, 2007, the Court issued an order advising Plaintiff that his response to Defendants’ Motion to Dismiss was due no later than 30 days from the date of the order. The Court further advised Plaintiff that "The Court may, in its discretion, treat your failure to respond to Defendants’ Motion to Dismiss as a consent to the granting of that Motion without further notice, and judgement may be entered dismissing this action without prejudice." As of this date, no responsive memorandum has been filed. LRCiv 7.2(i) provides in part “if the opposing party does not serve and file the required answering memorandum, ...such noncompliance may be deemed a consent to the denial or granting of the motion and the Court may dispose of the motion summarily.” Pursuant to this rule, the Court deems Plaintiff’s failure to serve and file the required answering memorandum a consent to the granting of the Defendants’ Motion to Dismiss.

