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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

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John R. Quain,

No. CV-09-2365-PHX-DGC

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Plaintiff,

ORDER

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vs.

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Clear Channel Communications, Inc.;
KYOT Radio; and Russ Egan, Program
Director,

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Defendants.

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Plaintiff is a member of the musical group Citizen Quain. He has been unable to get his music played on local radio stations. He filed a pro se complaint against Defendants on November 12, 2009. Dkt. #1. In response to the Court's order (Dkt. #21) granting Defendants' motion for a more definite statement (Dkt. #11), Plaintiff filed an amended complaint on March 18, 2010 (Dkt. #24).

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On April 1, 2010, Defendants filed a motion to dismiss pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure. Dkt. #25. Plaintiff has filed no response, and the time for doing so has expired. *See* LRCiv 7.2(c); Fed. R. Civ. P. 6(d). Plaintiff shall have until **May 14, 2010** to file response to the motion to dismiss.

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Rule 7.2 of the Local Rules of Civil Procedure provides that an unrepresented party's failure to respond to a motion "may be deemed a consent to the . . . granting of the motion and the Court may dispose of the motion summarily." LRCiv 7.2(i). Plaintiff is advised that if he does not file a response to the motion to dismiss (Dkt. #25) by **May 14, 2010**, the Court

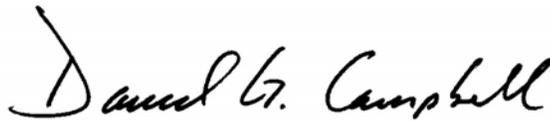
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1 will summarily grant the motion. Plaintiff is warned for a second time (*see* Dkt. #21 at 3)
2 that if he fails to prosecute this action, or if he fails to comply with the rules or any Court
3 order, the Court may dismiss the action *with prejudice* pursuant to Rule 41(b) of the Federal
4 Rule of Civil Procedure.

5 **IT IS ORDERED:**

- 6 1. Plaintiff shall have until **May 14, 2010** to file a response to Defendants'
7 motion to dismiss (Dkt. #25).
8 2. The Court will summarily grant the motion to dismiss if Plaintiff fails to
9 comply with this order.

10 DATED this 29th day of April, 2010.

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15 David G. Campbell
16 United States District Judge
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