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6 **IN THE UNITED STATES DISTRICT COURT**
7 **FOR THE DISTRICT OF ARIZONA**
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9 Jerome Gatlin,

10 Plaintiff,

11 v.

12 Guglielmo & Associates PLLC, et al.,

13 Defendants.
14

No. CV-24-03143-PHX-KML

ORDER

15 Plaintiff Jerome Gatlin filed this suit against defendants Guglielmo & Associates
16 PLLC and LVNV Funding LLC. On January 31, 2025, defendant LVNV filed an answer.
17 (Doc. 12.) On February 10, 2025, Gatlin filed a document that appears to have been
18 intended as a motion to strike portions of that answer. (Doc. 19.) On February 11, 2025,
19 Guglielmo & Associates filed a motion to dismiss for failure to state a claim. (Doc. 15.)
20 Finally, on February 21, 2025, LVNV filed an amended answer. (Doc. 20.)

21 Gatlin did not respond to the motion to dismiss filed by Guglielmo & Associates.
22 Local Rule 7.2(i) allows the court to deem Gatlin's failure to respond "a consent to the . . .
23 granting of the motion." To ensure Gatlin wishes to have the motion granted, he is required
24 to file either a response to the motion or a statement consenting to the dismissal of
25 Guglielmo & Associates. In the future, however, the court will not grant Gatlin similar
26 guidance and Gatlin must comply with applicable deadlines. *See King v. Atiyeh*, 814 F.2d
27 565, 567 (9th Cir. 1987) ("Pro se litigants must follow the same rules of procedure that
28 govern other litigants."), *overruled on other grounds by Lacey v. Maricopa Cnty.*, 693 F.3d

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896 (9th Cir. 2012).

LVNV was entitled to amend its answer as a matter of right. Fed. R. Civ. P. 15(a)(1). And LVNV's amended answer renders moot Gatlin's motion to strike aimed at the earlier answer. The motion to strike, therefore, is denied.

Accordingly,

IT IS ORDERED no later than **March 19, 2025**, plaintiff shall file a response to the motion to dismiss or a statement that he does not oppose dismissal of Guglielmo & Associates.

IT IS FURTHER ORDERED the Motion to Strike (Doc. 19) is **DENIED AS MOOT**.

Dated this 7th day of March, 2025.



Honorable Krissa M. Lanham
United States District Judge