

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 14-cv-02445-MJW

JEFFREY PATRICK MAHONEY,

Plaintiff,

v.

AAA COLORADO,

Defendant.

ORDER DISMISSING CASE

MICHAEL J. WATANABE
United States Magistrate Judge

On November 10, 2014, Defendant filed a motion to dismiss for failure to state a claim. (Docket No. 12.) On November 12, 2014, the Court entered an order resolving a related scheduling motion. In that November 12th Order, the Court stated:

Plaintiff is advised that his deadline to respond to Defendant's Motion to Dismiss is December 1, 2014. Plaintiff is further advised that his deadline to file an amended complaint as a matter of course is also December 1, 2014.

(Docket No. 14.) On December 10, 2014, the Court issued an order noting Plaintiff's failure to file either a response or an amended complaint and directing Plaintiff to do so no later than December 31, 2014. That order included the following language:

Plaintiff is warned that failure to comply with this order will result in the granting of Defendant's motion, the dismissal of this case for lack of prosecution and failure to comply with court orders, or both.

(Docket No. 15.) To date, Plaintiff has not filed a response to the motion, nor an amended complaint.

In light of the foregoing, it is hereby ORDERED that Defendant's Motion to Dismiss (Docket No. 12) is GRANTED. This case is dismissed with prejudice, with costs awarded to Defendant under Federal Rule of Civil Procedure 54(d)(1).

It is further ORDERED that Plaintiff's Motion to Withdraw (Docket No. 16), which the Court views as a motion for voluntary dismissal under Rule 41(a), is DENIED AS MOOT. The Court notes that, although Plaintiff is required to follow the Federal Rules of Civil Procedure, he is not required (nor has he been told by the Court that he is required) to retain counsel.

Date: January 7, 2015
Denver, Colorado

s/ Michael J. Watanabe
Michael J. Watanabe
United States Magistrate Judge