

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

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JOHN W. GILTNER, )  
Plaintiff, )  
v. ) Civ. Action No. 09-0840 (ESH)  
UNITED STATES DEPARTMENT )  
OF LABOR, )  
Defendant. )

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**ORDER**

Upon consideration of defendant United States Department of Labor's Motion to Dismiss, memorandum in support thereof, and accompanying documents, the lack of any opposition by plaintiff, and the entire record herein, it is this 25th day of November, 2009, hereby

**ORDERED** that defendant's Motion to Dismiss under Federal Rule of Civil Procedure 12(b)(1) [Dkt. #10] is GRANTED on the ground that there is no final agency action. In addition, given the lack of opposition, under Local Civil Rule 7(b), the motion is treated as conceded; and it is further

**ORDERED** that the above-captioned case is **DISMISSED WITHOUT PREJUDICE**.

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/s/  
ELLEN SEGAL HUVELLE  
United States District Judge

Date: November 25, 2009