

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

<b>JAMES COLE,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>v.</b>	)	<b>Civ. Action No. 12-0533 (ESH)</b>
	)	
<b>DEPARTMENT OF JUSTICE <i>et al.</i>,</b>	)	
	)	
<b>Defendants.</b>	)	
_____	)	

**MEMORANDUM OPINION**

Pending before the Court is defendants’ motion to dismiss under Rule 12(b)(6) of the Federal Rules of Civil Procedure [Dkt. # 11]. By Order of July 18, 2012, plaintiff was advised to respond to defendants’ dispositive motion by August 20, 2012, or risk dismissal of the case on what the Court might treat as a conceded motion. On July 31, 2012, the Court permitted to be filed plaintiff’s document captioned “Plaintiff Initial/Motion Disclosures Discovery,” filed pursuant to Rule 26(a)(1), but that filing does not address defendants’ arguments for dismissal of the complaint. Plaintiff has neither filed a response to the pending motion to dismiss nor sought additional time to do so. Therefore, the Court will treat the motion as conceded and dismiss the case. *See FDIC v. Bender*, 127 F.3d 58, 68 (D.C. Cir. 1997) (discretion lies wholly with the district court to grant motion to dismiss as conceded). A separate Order accompanies this Memorandum Opinion.

DATE: August 29, 2012

\_\_\_\_\_/s/\_\_\_\_\_  
**ELLEN SEGAL HUVELLE**  
 United States District Judge