

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

BRIAN T. KELLEHER,

Plaintiff,

v.

MICHAEL REGAN,

Defendant.

No. 23-cv-01346 (DLF)

ORDER

Before the Court is the defendant's Motion for Summary Judgment, Dkt. 42. For the reasons stated, the Court will DENY the motion as moot.

Brian Kelleher, proceeding pro se, filed his third amended complaint on December 27, 2023, bringing claims against the Environmental Protection Agency for alleged violations related to the agency's treatment of climate change. Amended Complaint, Dkt. 24. On August 23, 2024, the Court dismissed the plaintiff's Third Amended Complaint for failure to comply with Rules 8 and 12 of the Federal Rules of Civil Procedure. Order, at 2, Dkt. 41. The Court instructed the plaintiff to file any amended complaint on or before September 23, 2024, or the case would be dismissed. *Id.*, at 4. On September 23, 2024, instead of filing an amended complaint, the plaintiff filed a Motion for Summary Judgment, Dkt. 42. Because the plaintiff currently has no claim before the Court, his motion for summary judgment is moot. *See Carty v. CVS Pharma., LLC*, 264 F. Supp. 3d 190, 198 n.8 (D.D.C. 2017). Further, the plaintiff has been given three opportunities to file a complaint that complies with the Federal Rules of Civil Procedure. He has failed to do so by the deadline the Court imposed, despite the Court's clear warning that this was his "final opportunity." Order, at 4.

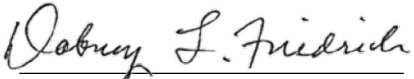
Accordingly, it is

ORDERED that the plaintiff's Motion for Summary Judgment, Dkt. 42, is **DENIED AS MOOT**. This is a final appealable order.

The Clerk of Court is directed to close this case and mail a copy of this Order to the plaintiff's address of record.

SO ORDERED.

September 26, 2024


DABNEY L. FRIEDRICH
United States District Judge