

ORIGINAL

In the United States Court of Federal Claims

No. 16-914

Filed: December 20, 2016

FILED

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U.S. COURT OF FEDERAL CLAIMS

DIONYSIOUS FOX,
Plaintiff, pro se,
v.
THE UNITED STATES,
Defendant.

ORDER

On September 30, 2016, the Government filed a Motion To Dismiss, pursuant to Rule of the United States Court of Federal Claims ("RCFC") 12(b)(1). ECF No. 8. Plaintiff's Response was due on October 31, 2016. Plaintiff did not file any response or objection with the court.

On December 2, 2016, the court issued an Order, instructing Plaintiff to show cause why his Complaint should not be dismissed for failure prosecute. ECF No. 9. And, that if Plaintiff did not respond to the Order on, or before, December 19, 2016, the court would dismiss Plaintiff's Complaint. ECF No. 9.

Pursuant to RCFC 41(b), the court may dismiss Plaintiff's claim, with prejudice, for failure to prosecute. See RCFC 41(b) ("If the plaintiff fails to prosecute or to comply with [the RCFC] or a court order, the court may dismiss on its own motion Unless the dismissal order states otherwise, a dismissal under this subdivision . . . operates as an adjudication on the merits[.]"). Because Plaintiff has failed to file a Response to the September 30, 2016 Motion To Dismiss and the December 2, 2016 Show Cause Order, this case is dismissed, with prejudice, for failure to prosecute.

Accordingly, the Clerk is directed to close this case. And, the September 30, 2016 Motion To Dismiss is moot.

IT IS SO ORDERED.

SUSAN G. BRADEN
Judge