

ORIGINAL

In the United States Court of Federal Claims

MICHAEL VERNON CRITCHFIELD,
Plaintiff,
v.
THE UNITED STATES,
Defendant.

FILED

FEB - 3 2017

U.S. COURT OF FEDERAL CLAIMS

No. 16-1353C

Filed: February 3, 2017

DISMISSAL ORDER

Plaintiff, pro se, Michael Vernon Critchfield, commenced this action on October 17, 2016 (docket entry no. 1). On November 23, 2016, plaintiff filed a motion to transfer this case to the United States Court of Appeals for the Federal Circuit, pursuant to Rule 40.1 of the Rules of the United States Court of Federal Claims ("RCFC") (docket entry no. 5). On December 12, 2016, the government filed a motion to dismiss, as well as a response in opposition to plaintiff's motion to transfer, pursuant to RCFC 12(b)(1) and (6) (docket entry no. 7). Plaintiff has not filed a response to the government's motion to dismiss, which was due on January 12, 2017.

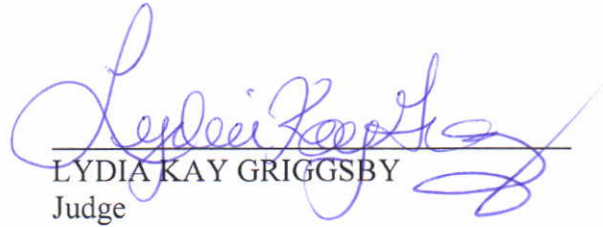
On January 24, 2017, the Court issued an Order directing plaintiff to show cause why he failed to timely respond to the government's motion to dismiss and to file a response to the government's motion to dismiss by January 31, 2017. In that Order, the Court noted that, should plaintiff fail to respond to the government's motion to dismiss by January 31, 2017, the Court would treat plaintiff's failure to respond as a failure to comply with the Court's Order and to prosecute this matter pursuant to RCFC 41(b).

1 On January 23, 2017, the Clerk's Office did receive from plaintiff a document entitled "Motion for Order to Take the Bill Pro Confesso in Ex Parte" (docket entry no. 10).

Because plaintiff has failed to comply with the Court's January 24, 2017 Order and to timely prosecute this matter, the Court dismisses this action without prejudice. RCFC 41(b).²

And so, for the foregoing reasons, the Court directs the Clerk's Office to **ENTER** final judgment **DISMISSING** the complaint, without prejudice.

IT IS SO ORDERED.



LYDIA KAY GRIGGSBY
Judge

² RCFC 41(b) provides that: “[i]f the plaintiff fails to prosecute or to comply with [the Court’s] rules or a court order, the court may dismiss on its own motion or the defendant may move to dismiss the action or any claim against it.” RCFC 41(b).