

ORIGINAL

In the United States Court of Federal Claims

No. 16-1578
Filed: May 2, 2017

CHAD S. TWO HEARTS,

Plaintiff, pro se,

v.

THE UNITED STATES,

Defendant.

FILED
MAY - 2 2017
U.S. COURT OF
FEDERAL CLAIMS

ORDER OF DISMISSAL

On February 27, 2017, the Government filed a Motion To Dismiss, pursuant to Rules of the United States Court of Federal Claims ("RCFC") 12(b)(1) and 12(b)(6). ECF No. 11. Plaintiff's Response was due on March 30, 2017. Plaintiff did not file any response or objection with the court.

On April 13, 2017, the court issued an Order, instructing Plaintiff to show cause why his Complaint should not be dismissed for failure to prosecute, pursuant to RCFC 41(b). ECF No. 7. And, that if Plaintiff did not respond to the Order on, or before, April 28, 2017, the court would dismiss Plaintiff's November 28, 2016 Complaint. ECF No. 7.

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 February 3, 2017 Motion To Dismiss and the March 15, 2017 Show Cause Order, this case is dismissed, with prejudice, for failure to prosecute.

Accordingly, the Clerk is directed to close this case. And, the February 27, 2017 Motion To Dismiss is moot.

IT IS SO ORDERED.

SUSAN G. BRADEN
Chief Judge