

ORIGINAL**In the United States Court of Federal Claims**_____
LOUIS A. BANKS, and D.B., a minor,

Plaintiffs,

v.

THE UNITED STATES,

Defendant.
_____**FILED****NOV - 6 2017****U.S. COURT OF
FEDERAL CLAIMS**

No. 17-808C

Filed November 6, 2017

DISMISSAL ORDER

Plaintiff, *pro se*, Louis Banks, commenced this action on June 14, 2017 (docket entry no. 1). On September 13, 2017, the government filed a motion to dismiss this matter for lack of subject-matter jurisdiction and for failure to state a claim upon which relief may be granted, pursuant to Rules 12(b)(1) and (6) of the Rules of the United States Court of Federal Claims (“RCFC”) (docket entry no. 11).

After plaintiff failed to submit a timely response to the government’s motion to dismiss, the Court issued a Show Cause Order on October 17, 2017, instructing the plaintiff to show cause for why he did not timely respond to the government’s motion to dismiss and to provide a response to the government’s motion to dismiss by October 31, 2017 (docket entry no. 12). In the Show Cause Order, the Court informed plaintiff that, should he fail to respond to the government’s motion to dismiss by October 31, 2017, the Court would treat plaintiff’s failure to respond as a failure to comply with a Court Order and to prosecute this matter, pursuant to RCFC 41(b).

On October 27, 2017, the Clerk’s Office received from plaintiff a motion for default judgment and motion for relief from judgment, in which plaintiff provides, among other things, a notice of a case pending before the Superior Court of the District of Columbia. The Court granted plaintiff leave to file these submissions on November 3, 2017 (docket entry no. 13). Plaintiff’s filing does not, however, address the jurisdiction and other issues raised in the government’s motion to dismiss. And so, plaintiff has failed to submit a response to the

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government's motion to dismiss, and he has also failed to comply with the Court's October 17, 2017, Show Cause Order. RCFC 41(b).¹

In light of the foregoing, the Court:

1. **DISMISSES** the complaint without prejudice, pursuant to RCFC 41(b); and
2. Directs the Clerk's Office to **ENTER** final judgment **DISMISSING** the complaint without prejudice.

No costs.

IT IS SO ORDERED.


LYDIA KAY GRIGGSBY
Judge

¹ 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).