

# In the United States Court of Federal Claims

No. 19-846

Filed: October 16, 2019

ROBERT SHAPIRO,

Plaintiff,

v.

THE UNITED STATES,

Defendant.

## ORDER

On June 6, 2019, Robert Shapiro, a *pro se* plaintiff, filed his Complaint with this Court. On August 2, 2019, defendant filed its Motion to Dismiss pursuant to Rule 12(b)(1) of the Rules of the Court of Federal Claims ("RCFC"). After Plaintiff failed to timely respond to defendant's Motion to Dismiss, on September 6, 2019, the Court issued an Order giving plaintiff an additional twenty-one days to file his Response to defendant's Motion to Dismiss. *See* ECF No. 10. In that Order, the Court warned that if plaintiff failed to file his Response to defendant's Motion to Dismiss on or before the extended deadline—September 27, 2019—plaintiff's Complaint would be dismissed without prejudice for failure to prosecute under RCFC 41(b). *Id.*

To date, the Court has not received plaintiff's Response to defendant's Motion to Dismiss. As such, the Court has no choice but to **DISMISS** plaintiff's case without prejudice for failure to prosecute pursuant to RCFC 41(b). The Clerk's Office is directed to enter judgment consistent with this Order.

**IT IS SO ORDERED.**



Loren A. Smith, Senior Judge

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