

In the United States Court of Federal Claims

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REYNALD CHARLES,

Plaintiff,

v.

UNITED STATES,

Defendant.

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No. 19-1496C
Filed: October 29, 2019

ORDER

On September 27, 2019, the United States District Court of the Virgin Islands transferred the above captioned case to the United States Court of Federal Claims, and that same day, September 27, 2019, the case was assigned to the undersigned. Rule 3.1(a)(4) (2019) of the Rules of the United States Court of Federal Claims (RCFC) provides that for a case transferred from another court, “[w]ithin 28 days after service of the notice of filing, the plaintiff must file an amended complaint, conforming to the requirements of RCFC 5.5(d)(1) and setting forth the claim or claims transferred.” Therefore, pursuant to RCFC 3.1(a)(4), the transfer complaint in the above captioned case was due on or before October 25, 2019. As indicated in the notice sent to plaintiff, signed by the Clerk of the Court when the record was transferred to this court: **“NOTE: FAILURE TO COMPLY WITH THE ENCLOSED INSTRUCTIONS, WITHIN THE TIME PROVIDED, MAY RESULT IN THE CASE BEING DISMISSED FOR FAILURE TO PROSECUTE.”** (emphasis and capitalization in original). As of October 29, 2019, plaintiff has not filed a transfer complaint, filed a motion for an enlargement of time to file, or filed any document with the court explaining the delay in complying with the court’s Rules. RCFC 41(b) (2019) states:

If the plaintiff fails to prosecute or to comply with these 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. Unless the dismissal order states otherwise, a dismissal under this subdivision (b) and any dismissal not under this rule—except one for lack of jurisdiction or failure to join a party under RCFC 19—operates as an adjudication on the merits.

Pursuant to RCFC 41(b), this court **ORDERS** that this case be **DISMISSED without prejudice.**

IT IS SO ORDERED.

s/Marian Blank Horn
MARIAN BLANK HORN
Judge