

In the United States Court of Federal Claims

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CHARLES DANIELSON,
Plaintiff,

v.

UNITED STATES,
Defendant.

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No. 21-739C
Filed: April 27, 2021

ORDER

On January 11, 2021, plaintiff filed the complaint in the above captioned case. On March 1, 2021, defendant filed a motion to dismiss plaintiff's complaint. Plaintiff's response to the motion to dismiss was due by April 1, 2021. Plaintiff did not timely file a response to the motion to dismiss. On April 11, 2021, the court issued an Order noting plaintiff's failure to file a response. The court's Order stated: "On or before **Wednesday, April 21, 2021**, plaintiff shall file a response to the motion to dismiss or the case may be dismissed for failure to prosecute." (emphasis in original). Plaintiff again failed to timely file a response to the motion to dismiss. As of April 27, 2021, plaintiff has not filed a response to the motion to dismiss. Rule 41(b) of the Rules of the United States Court of Federal Claims (RCFC) 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.

RCFC 41(b) (2020). 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