

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
ORLANDO DIVISION**

ANTHONY G. DUVALL,

Plaintiff,

v.

Case No. 6:16-cv-2150-Orl-37DCI

STATE FARM MUTUAL AUTOMOBILE  
INSURANCE COMPANY,

Defendant.

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**ORDER**

This cause is before the Court on Defendant's Amended Motion to Dismiss Count II (Doc. 10), filed December 19, 2016.

In the instant action, Plaintiff asserts claims against Defendant for: (1) uninsured motorist benefits action ("**Count I**"); and (2) for bad faith failure to settle an insurance claim ("**Count II**"). (Doc. 2.) On December 19, 2016, Defendant moved for dismissal of Count II on the ground that it is not yet ripe. (See Doc. 10 ("**Motion**").) Plaintiff failed to respond. See Local Rule 3.01(b) (requiring a party opposing a motion to file a response within fourteen days).

In the absence of a response, the Court considers Defendant's Motion to be unopposed and finds that it is due to be granted. Accordingly, it is hereby **ORDERED AND ADJUDGED** that:

1. Defendant's Amended Motion to Dismiss Count II (Doc. 10) is **GRANTED**.
2. Count II of the Complaint (Doc. 1, ¶¶ 16–28) is **DISMISSED WITHOUT PREJUDICE**.

**DONE AND ORDERED** in Chambers in Orlando, Florida, on January 23, 2017.



  
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ROY B. DALTON JR.  
United States District Judge

Copies:

Counsel of Record