

**UNITED STATES DISTRICT COURT  
 CENTRAL DISTRICT OF ILLINOIS  
 PEORIA DIVISION**

CHRISTOPHER KALPEDIS,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No. 10-cv-1142
	)	
CITY OF PEORIA, a Municipal	)	
Corporation, JOHN BRIGGS, and CHRIS	)	
WHITE,	)	
	)	
Defendants.	)	

**ORDER & OPINION**

This matter is before the Court on Defendant City of Peoria's (the "City") Motion for Summary Judgment. (Doc. 40). For the reasons stated below, the City's Motion is granted.

In its last Order, the Court granted Defendants Briggs' and White's (the "Officers") Motion for Summary Judgment as to all counts alleged in Plaintiff's Amended Complaint. (Doc. 39; Doc. 10). With regard to Counts III and IV (the only Counts also against the City), the Court granted summary judgment in favor of the Officers because Plaintiff failed to present a response to their arguments, thus deeming those two claims waived. (Doc. 39 at 16-17). In the same Order, the Court also granted the City's Motion for Leave to File its Motion for Summary Judgment instanter and directed the Clerk to docket the City's attached Motion. (Doc. 39). The City's attached Motion for Summary Judgment merely adopted the Officers' arguments as to Counts III and IV, thus allowing the Court to presume that

Plaintiff would respond to the City in the same manner as he did to the Officers. (Doc. 40). Because the Court's judgment on Counts III and IV was based on Plaintiff's failure to respond to those claims, however, the Court allowed Plaintiff the opportunity to potentially rectify that omission by allowing Plaintiff to file a Response to the City's Motion rather than to summarily decide both Motions together. (Doc. 39). Plaintiff, however, never filed a Response to the City's Motion for Summary Judgment.

Pursuant to the Local Rules of the Court, ". . . within 21 days after service of a motion for summary judgment, any party opposing the motion must file a response. A failure to respond will be deemed an admission of the motion." CDIL-LR 7.1(D)(2). Plaintiff's Response to the City's Motion for Summary Judgment was due by February 25, 2013. Because Plaintiff failed to respond in any matter by that date, the Court grants the City's Motion for Summary Judgment.

#### CONCLUSION

For the foregoing reasons, Defendant City of Peoria's Motion for Summary Judgment (Doc. 40) is GRANTED. CASE TERMINATED.

Entered this 15th day of March, 2013.

s/ Joe B. McDade  

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JOE BILLY McDADE  
United States Senior District Judge