

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

LEWIS E. LAGRANT and ROSE M. LAGRANT,

Plaintiffs,

v.

BLACKMON'S, INC.,

Defendant.

Case No. 12-cv-1012-JPG-DGW

**MEMORANDUM AND
ORDER TO SHOW CAUSE**

This matter comes before the Court on the motion to strike (Doc. 10) filed by defendant Blackmon's Inc., which the Court construes as a motion to dismiss pursuant to Federal Rule of Civil Procedure 12(b)(6). The motion was filed on December 4, 2012. Pursuant to Local Rule 7.1(c), the response of plaintiffs Lewis E. LaGrant and Rose M. LaGrant was due 30 days after the motion to dismiss was filed, but 30 days have passed and the plaintiffs have not responded. The Court may, in its discretion, construe a party's failure to file a timely response as an admission of the merits of the motion. Local Rule 7.1(c). The Court hereby **ORDERS** the plaintiffs to **SHOW CAUSE** on or before April 1, 2013, why the Court should not construe their failure to timely respond to the motion to dismiss as an admission of the merits of the motion and dismiss their claims under the Illinois Dramshop Act, 235 ILCS 5/6-21. Failure to respond in a timely manner to this order may result in dismissal of that claim for lack of prosecution pursuant to Federal Rule of Civil Procedure 41(b) and the Court's inherent authority to manage its docket. See *In re Bluestein & Co.*, 68 F.3d 1022, 1025 (7th Cir. 1995).

IT IS SO ORDERED.

DATED: March 18, 2013

s/J. Phil Gilbert
J. PHIL GILBERT
DISTRICT JUDGE