

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

CHARLES MISSEL,

Plaintiff,

v.

**CXS TRANSPORTATION, INC.,
and UNITED TRANSPORTATION
UNION**

No. 16-cv-1300-DRH-DGW

ORDER

HERNDON, District Judge:

Now before the Court is Defendant CSX Transportation, Inc.'s February 28, 2017 motion to dismiss plaintiff's claims pertaining to CSX Transportation, Inc., for failure to state a claim pursuant to Fed. R. Civ. P. 12(b)(6) (Doc. 38).

On February 13, 2017, Plaintiff Charles Missel sought leave to amend his complaint after defendant filed its motion to dismiss (Doc.41). On that same day, plaintiff also requested an extension of time in which to respond to the motion to dismiss "pending this Court's ruling on his Motion to File his First Amended Complaint" (Doc.42). The Court denied the motion for leave to file an amended complaint based on plaintiff's failure to comply with Local Rule 15.1 (Doc. 43). Given the Court denying leave to file an amended complaint, the Court also denied as moot the motion for extension of time the same day (February 13, 2017) (Doc.44). Plaintiff's deadline to respond to the pending motion to dismiss was

March 13, 2017. However, no pleadings relative to the motion were filed following the Court's order.

Furthermore, as of today's date, plaintiff has not responded to the motion to dismiss. Pursuant to Local Rule 7.1(c), the Court considers the failure to respond as an admission of the merits of the motion to dismiss.¹ Accordingly, the Court **GRANTS** the motion to dismiss (Doc. 38). The Court **DISMISSES with prejudice** plaintiff's claims against CSX Transportation, Inc. Further, the Court **DIRECTS** the Clerk of the Court to enter judgment reflecting the same at the close of the case.

IT IS SO ORDERED.

Signed this 20th day of May, 2017.

  Judge Herndon
2017.05.20
06:59:14 -05'00'
United States District Judge

¹Local Rule 7.1(c) provides in part: "Failure to timely file a response to a motion may, in the Court's discretion, be considered an admission of the merits of the motion."