

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

CHAUNCEY C. WYATT,)
ARLISHER HARVEY,)

Plaintiffs,)

vs.)

GARY M. APTER,)
APTER PROPERTIES,)
JOHN DOES 1-1000,)

Defendants.)

No. 1:15-cv-00450-TWP-DKL

ORDER

Defendants Gary M. Apter and Apter Properties, LLC (“Defendants”) have filed a Motion to Dismiss Plaintiffs’ *pro se* Complaint Pursuant to Fed. R. Civ. P. 12(b)(1) (Dkt. 9). Defendants allege that federal question jurisdiction does not exist in the present action and all of Plaintiffs’ claims are comprised of Indiana state law claims. Plaintiffs shall have through **June 26, 2015** to respond to the Motion.

In conjunction with the foregoing, Plaintiffs should be aware that a failure to timely respond to Defendant's arguments alone warrants dismissal of the lawsuit. *See Thomas v. Urban P'ship Bank*, 2013 WL 1788522, at *13 (N.D.Ill. Apr. 26, 2013) (collecting cases). “When presented with a motion to dismiss, the non-moving party must proffer some legal basis to support his cause of action.” *County of McHenry v. Ins. Co. of the West*, 438 F.3d 813, 818 (7th Cir. 2006). For that reason, if a plaintiff does not respond, and the court is “given plausible reasons for dismissing a complaint, [it is] not going to do the plaintiff’s research and try to discover whether

there might be something to say against the defendants' reasoning.” *Kirksey v. R.J. Reynolds Tobacco Co.*, 168 F.3d 1039, 1042 (7th Cir. 1999).

You must file and serve a copy of your response to the Motion to Dismiss by **June 26, 2015**. If you need more time to respond, you must file a motion with the court asking for more time before the deadline expires. The court may, but is not required to, give you more time.

Date: 6/10/2015



TANYA WALTON PRATT, JUDGE
United States District Court
Southern District of Indiana

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