

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
JACKSON DIVISION**

PETER PRINGLE

PLAINTIFF

VS.

CIVIL ACTION NO. 3:07cv668-DPJ-JCS

WAFFLE HOUSE, INC.

DEFENDANTS

ORDER

Currently pending before the Court is Defendant Waffle House, Inc.'s Motion to Dismiss and to Compel Arbitration. Defendant's motion appears to have been docketed on December 19 and 20, 2007 at docket numbers [7] and [9] in the record. Although the time to respond has long passed, Plaintiff has neither responded to Defendant's motion nor requested additional time in which to respond. As such, the Court finds that Defendant's motion is due to be granted as unopposed under Local Rule 7.2(C)(2) and because it appears otherwise meritorious. *See generally Circuit City Stores, Inc. v. Adams*, 532 U.S. 105, 123 (2001).

ACCORDINGLY, IT IS HEREBY ORDERED that the Defendants' Motion to Dismiss and Compel Arbitration is granted. This case is dismissed without prejudice.

SO ORDERED AND ADJUDGED this the 5th day of February, 2008.

s/ Daniel P. Jordan III
UNITED STATES DISTRICT JUDGE