

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

MATTHEW MCCORMICK,

Plaintiff,

v.

**REV. ROBERT JOHNSTON, and
THE CATHOLIC ARCHDIOCESE OF
ST. LOUIS, a religious corporation,**

No. 08-00559-DRH

Defendant.

ORDER TO SHOW CAUSE

HERNDON, Chief Judge:

This matter comes before the Court on a motion to dismiss for lack of personal jurisdiction (Doc. 9) filed by the Catholic Archdiocese of St. Louis on August 13, 2008. Pursuant to Local Rule 7.1(c), Plaintiff's response was due 30 days after the motion to dismiss was filed, but 30 days have passed and Plaintiff has 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)**. Therefore, the Court hereby **ORDERS** Plaintiff, Matthew McCormick, to **SHOW CAUSE** on or before **Tuesday, October 14, 2008**, why the Court should not construe his failure to timely respond to the motion to dismiss as an admission of the merits of the motion and dismiss his claims against the Catholic Archdiocese of St. Louis. Failure to respond in a timely manner to this order may result in dismissal of this action 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.

Signed this 1st day of October, 2008.

/s/ David R. Herndon

**Chief Judge
United States District Court**