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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

* * *

JOEY KADMIRI,)
)
 Plaintiff,)
)
 vs.)
)
 JASON RICH, and JOHN HOFFMAN,)
 Defendants.)
 _____)

Case No.: 2:11-cv-00857-RLH-PAL

ORDER

(Motion to Dismiss #18)

Before the Court is Defendants Jason Rich and John Hoffman’s **Motion to Dismiss** (#18, filed Feb. 23, 2012) based on a failure to state a claim. Plaintiff did not file a Response to the motion.

If one party files a motion to dismiss pursuant to Federal Rule of Civil Procedure 12(b)(6), the party against whom that motion is filed must file points and authorities in opposition to that motion within fourteen (14) days after the service of the motion. Local Rule 7-2(b). The failure of a party to file points and authorities in opposition to any motion constitutes a consent to the Court’s grant of the motion. Local Rule 7-2(d).

Rule 7-2(d) of the Local Rules of Practice provides that failure to file points and authorities in opposition to a motion constitutes a consent that the motion be granted. *Abbott v. United Venture Capital, Inc.*, 718 F. Supp. 828, 831 (D. Nev. 1989). It has been said these local

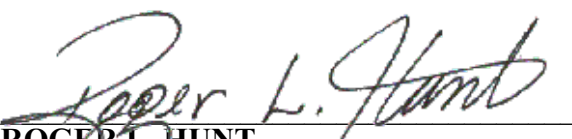
1 rules have the force of law no less than the federal rules or acts of Congress. *United States v.*
2 *Hvass*, 355 U.S. 570, 574–75 (1958); *see also Weil v. Neary*, 278 U.S. 160, 169 (1929); *Marshall*
3 *v. Gates*, 44 F.3d 722, 723 (9th Cir. 1995). The United States Supreme Court itself has upheld the
4 dismissal of a matter for failure to respond under the local court rules. *Black Unity League of Ky.*
5 *v. Miller*, 394 U.S. 100 (1969).

6 Further, after consideration of the motion, the Court finds that it has merit.
7 Therefore, the Court would grant the motion regardless of Plaintiff’s failure to oppose. Thus, the
8 Court dismisses the claims against Defendants in their official capacities, as these are merely
9 insufficient claims against the Las Vegas Metropolitan Police Department. The claims against
10 Defendants in their individual capacities remain.

11 **CONCLUSION**

12 Accordingly, and for good cause appearing,
13 IT IS HEREBY ORDERED that Defendants’ Motion to Dismiss (#18) is
14 GRANTED.

15 Dated: April 25, 2012.

16
17 
18 **ROGER L. HUNT**
19 **United States District Judge**