

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

Kurt Stoner,  
Plaintiff

v.

Wal-Mart Stores, Inc., et al.  
Defendants

Case No.: 2:17-cv-01403-JAD-GWF

**Order Granting Unopposed  
Motion to Dismiss**

[ECF No. 25]

Kurt Stoner filed this personal-injury lawsuit against Wal-Mart Stores, Inc., for injuries he claims he sustained when he fell off a loose toilet seat in a Wal-Mart bathroom.<sup>1</sup> After Stoner stopped participating in this litigation, Wal-Mart filed a motion to dismiss his case for failure to prosecute it.<sup>2</sup> Stoner's deadline to respond to that motion passed months ago without opposition. Local Rule 7-3(d) provides that "The failure of an opposing party to file points and authorities in response to" a motion to dismiss "constitutes a consent to the granting of the motion." I deem Stoner's failure to file an opposition as his consent to granting Wal-Mart's motion to dismiss under FRCP 41(b), and I grant it.

Accordingly, IT IS HEREBY ORDERED that Defendant's Motion to Dismiss for Failure to Prosecute under FRCP 41(b) [ECF No. 25] is **GRANTED**. With good cause appearing and no reason to delay, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that the Clerk of Court is directed to **ENTER FINAL JUDGMENT in favor of the defendant** and against the plaintiff and **CLOSE THIS CASE**.

Dated: September 20, 2018

  
\_\_\_\_\_  
U.S. District Judge Jennifer A. Dorsey

<sup>1</sup> ECF No. 1.

<sup>2</sup> ECF No. 25.