

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

KEVIN RIZZI,

Plaintiff,
VS.

STATE FARM MUTUAL AUTOMOBILE
INSURANCE COMPANY,

Defendant.

Case No.: 2:24-cv-00952-GMN-EJY

ORDER GRANTING MOTION TO DISMISS

Defendant State Farm filed a Motion to Dismiss, (ECF No. 44). The Court's *Klingele* Minute Order was filed on October 29, 2024, setting an Opposition deadline of 14 days, with a Reply deadline 7 days after that. (Min. Order, ECF No. 45). Plaintiff has not filed an Opposition to the Motion to Dismiss.

Prior to the Defendant's Motion to Dismiss, Plaintiff had filed both a Notice of Voluntary Dismissal requesting the dismissal of Defendant State Farm and the addition of two new defendants, as well as a Motion for Judgment on the Pleadings. (Not. Voluntary Dismissal, ECF No. 40); (Mot. J. Pleadings, ECF No. 42). The Court filed a Minute Order noting that Plaintiff's desired course of action was unclear and instructing Plaintiff to file a Motion to Amend if he wished to add or change defendants. (Min. Order, ECF No. 43). Plaintiff has not filed a Motion to Amend.

As of the date of this Order, Plaintiff has failed to respond to the Motion to Dismiss or otherwise inform the Court of his intent to oppose. Pursuant to LR 7.2(d), “[t]he failure of an opposing party to file points and authorities in response to any motion, except a motion under Fed. R. Civ. P. 56 or a motion for attorney’s fees, constitutes a consent to the granting of the motion.” Therefore, the Court grants the Motion to Dismiss as unopposed.

1 Accordingly,

2 **IT IS HEREBY ORDERED** that the Motion to Dismiss, (ECF No. 44), is GRANTED.

3 The action is dismissed without prejudice.

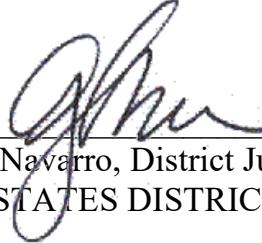
4 The Clerk of Court is kindly requested to close this case.

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6 **DATED** this 4 day of March, 2025.

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Gloria M. Navarro, District Judge

10 UNITED STATES DISTRICT COURT

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