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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA5
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ANTHONY J. BROOKS,

Case No. 3:19-cv-00332-MMD-WGC

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Plaintiff,

ORDER

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v.

DONALD J. TRUMP, et al.,

Defendants.

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Before the Court is Defendants' Motion to Dismiss Plaintiff's Complaint for Failure to State a Claim Pursuant to Fed. R. Civ. P. 12(b)(1) ("Motion") filed on March 9, 2020. (ECF No. 25.) The time for Plaintiff to respond has long expired and to date, Plaintiff has failed to respond to the Motion. Local Rule 7-2(d) provides that "[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." Plaintiff has failed to respond to the Motion. The Court therefore grants the Motion. However, the Court exercises its discretion to dismiss the Complaint without prejudice.

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It is therefore ordered that Defendants Motion to Dismiss (ECF No. 25) is granted.

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It is further ordered that Plaintiff's Complaint (ECF No. 17) is dismissed without prejudice.

The Clerk of Court is directed to enter judgment accordingly and close this case.

DATED THIS 17th Day of November 2020.



MIRANDA M. DU
CHIEF UNITED STATES DISTRICT JUDGE