

NOT FOR PUBLICATION

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

GUNDOGDU et al,

Plaintiff,

v.

JADDOU et al,

Defendants.

Civil Action No. 23-02056 (JKS)(ESK)

WHEREAS OPINION

March 28, 2024

SEMPER, District Judge.

THIS MATTER comes before the Court on Ur Mendoza Jaddou, Alejandro Mayorkas, Susan Ruafer, and Ted Kim’s (together “Defendants”) Motion to Dismiss Plaintiffs Tekin Gundogdu and Elif Gundogdu’s (together “Plaintiff”) Complaint (ECF 1) pursuant to Federal Rule of Civil Procedure 12(b)(1) and 12(b)(6) (the “Motion to Dismiss”), (ECF 27.) Plaintiff has not filed opposition to the Motion to Dismiss;¹ and

WHEREAS under the circumstances of this case, Plaintiff’s failure to file responsive opposition and briefing indicates that Defendants motion to dismiss is unopposed *Hollister v. U.S. Postal Serv.*, 142 F. App’x 576 (3d Cir. 2005); and

WHEREAS a motion may be deemed unopposed “where the failure of a party to oppose a motion will indicate that the motion is in fact not opposed, particularly if the party is represented by an attorney.” *Stackhouse v. Mazurkiewicz*, 951 F.2d 29 (3d Cir. 1991); and

¹ Defendants motion to dismiss was filed on 11/15/2023. The deadline for Plaintiff’s opposition was December 4, 2023, as the motion was calendared for a “motion day” on December 18, 2023. Between Defendants filing of their motion to dismiss and the undersigned date, this Court has not received any opposition or correspondence of any kind from Plaintiff or Plaintiff’s counsel.

WHEREAS Plaintiff is represented by an attorney and has failed to respond to Defendants motion; and

WHEREAS Defendants motion to dismiss is deemed unopposed and Defendants motion to dismiss is **GRANTED**; Therefore

IT IS, on this 28th day of March 2024,

ORDERED that Defendant's Motion to Dismiss, (ECF 27), is **GRANTED**, and Plaintiff's Complaint (ECF 1) is **DISMISSED** without prejudice. Plaintiff is granted leave to file an amended complaint reinstating this action within 30 days of this opinion. Should Plaintiff fail to file such Amended Complaint by April 28, 2024, the Clerk is instructed to close the case. An appropriate order follows.

/s/ Jamel K. Semper
HON. JAMEL K. SEMPER
United States District Judge

Orig: Clerk
cc: Parties
Edward S. Kiel, U.S.M.J.