

**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF NEW MEXICO**

DAVID R. HARTMAN,

Plaintiff,

No. 2:17-cv-01105-KRS-SMV

v.

THE CITY OF ROSWELL,
and MIGUEL ANGEL LOPEZ,

Defendants.

**ORDER DIRECTING PLAINTIFF TO FILE ANSWER OR SHOW CAUSE IN
WRITING WHY COURT SHOULD NOT DEEM DEFENDANTS' MOTION TO
DISMISS UNOPPOSED**

THIS MATTER comes before the Court on Defendants' motion to dismiss Plaintiff's claims pursuant to Federal Rule of Civil Procedure 12(b)(6), filed on November 14, 2017. [Doc. 5]. Under the Court's local rules, Plaintiff was required to submit a response on or before November 29, 2017. *See* D.N.M.LR-Civ. 7.4(a). To date, Plaintiff has not responded to Defendants' motion, informed the Court of his non opposition to the relief requested, or otherwise placed the Court on notice of an agreed-on extension. Further, Local Rule 7.1(b) provides that a party's failure to respond "within the time prescribed for doing so constitutes consent to grant the motion." After considering the case's posture and before taking the measure of deeming Defendants' motion unopposed, the Court will order Plaintiff to either file a response or show cause in writing why the Court should not deem Plaintiff's failure to respond as consent to grant the motion to dismiss.

IT IS, THEREFORE, ORDERED that on or before **Friday, December 8, 2017**, Plaintiff shall either file a response to Defendants' motion to dismiss for failure to state a claim

or show cause in writing why the Court should not deem Plaintiff's failure consent to grant Defendants' motion.

Handwritten signature of Kevin R. Sweazea in cursive script.

KEVIN R. SWEAZEA
UNITED STATES MAGISTRATE JUDGE