

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION

JOHN D. COCKSHUTT,

Plaintiff,

vs.

Civil Action 2:12-cv-532  
Judge Marbley  
Magistrate Judge King

STATE OF OHIO, DEPARTMENT  
OF REHABILITATION & CORRECTION,  
*et al.*,

Defendants.

ORDER

On October 24, 2012, defendant Bo Schmutz filed a motion to dismiss. Doc. No. 31. Although the time for responding has passed, plaintiff has nevertheless failed to respond to defendant Schmutz's motion.

Plaintiff is advised that the local rules of this Court provide that "[f]ailure to file a memorandum in opposition may be cause for the Court to grant any Motion, other than one which would result directly in entry of final judgment or an award of attorney fees." S.D. Ohio L.R. 7.2(a)(2).

Plaintiff is **GRANTED** twenty-one (21) days from the date of this *Order* to respond to the motion to dismiss. Failure to do so will be construed by the Court as an abandonment on the part of the plaintiff of the action, and will result in the dismissal of the claims against defendant Schmutz for want of prosecution.

November 26, 2012

s/Norah McCann King  
Norah M<sup>c</sup>Cann King  
United States Magistrate Judge