

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

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JAMES BROOKS,	:	
Plaintiff,	:	
	:	CIVIL ACTION
v.	:	
	:	NO. 09-5773
C.O. AUSTIN,	:	
Defendant.	:	
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ORDER

AND NOW, this 1st day of November 2012, upon consideration of Defendant's Motion to Dismiss for Failure to Prosecute (Doc. No. 14) to which no response has been filed, and for the reasons stated in the Opinion filed this day, it is hereby **ORDERED** that Defendant's Motion to Dismiss is **GRANTED** and the Complaint is **DISMISSED with prejudice**.

The Clerk of Court is directed to **CLOSE** this case.

It is so **ORDERED**.

BY THE COURT:

/s/ **Cynthia M. Rufe**

CYNTHIA M. RUFÉ, J.