IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

DAWN MARIE BALL,	**:**	**Civil Action No. 1:08-CV-0700**
Plaintiff,	**:**	
	:	**(Chief Judge Kane)**
v.	**:**	
	:	
DR. FAMIGLIO, et al.,	**:**	
Defendants	**:**	

MEMORANDUM

Plaintiff Dawn Marie Ball, at all relevant times, an inmate at the State Correctional Institution at Muncy, filed this civil rights action on April 14, 2008. (Doc. No. 1.) The matter is proceeding *via* an amended complaint. (Doc. No. 11). Plaintiff is proceeding *pro se*. Pending are three separate motions to dismiss Plaintiff's complaint pursuant to Federal Rule of Civil Procedure 12. (Doc. Nos. 17, 21, 25). Although the Court forwarded to Plaintiff a copy of the Standing Practice Order containing an explanation of the procedure to be followed when motions are filed and a copy of the pertinent portions of the Local Rules of Court (Doc. No. 5), Plaintiff has failed to file briefs in opposition to the motion as required by Local Rule 7.6. Accordingly, the motions are presently unopposed.

A dispositive motion may generally not be granted merely because it is unopposed, see Anchorage Ass'n. v. Virgin Islands Bd. of Tax Review, 922 F.2d 168, 174 (3d Cir. 1990). However, the Third Circuit has held that, consistent with local rules of court, a motion to dismiss may be granted without a merits analysis "if a party fails to comply with the rule after a specific direction to comply from the court." Stackhouse v. Mazurkiewicz, 951 F.2d 29, 30 (3d Cir. 1991). Plaintiff will be afforded additional time to respond to the motion to dismiss as provided in Local Rule 7.6. **Failure to respond by the specified date will result in the motion being granted without a merits analysis**.

An appropriate order will follow.

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	:	
DR. FAMIGLIO, et al.,	**:**	
Defendants	**:**	

ORDER

AND NOW, this 3rd day of September 2008, for the reasons set forth in the accompanying memorandum, **IT IS HEREBY ORDERED THAT**:

1 In accordance with Local Rule 7.6, Plaintiff is **DIRECTED** to file briefs in opposition to Defendants' motions to dismiss (Doc. Nos. 17, 21, 25) on or before September 15, 2008.

2. Failure to file briefs in opposition will result in the motions to dismiss being deemed unopposed and an order granting the motions without a merits analysis and dismissing the action.

S/ Yvette Kane
Yvette Kane, Chief Judge
United States District Court
Middle District of Pennsylvania