

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

JASON CIENIAWA,	:	CIVIL ACTION NO. 1:09-CV-2130
	:	
Plaintiff	:	(Judge Conner)
	:	
v.	:	
	:	
DR. DENTIST DAVID WHITE, et al.,	:	
	:	
Defendants	:	

ORDER

AND NOW, this 16th day of November, 2011, upon consideration of various motions filed by the parties (Docs. 65, 66, 70, 71, 73), it is hereby ORDERED that:

1. Plaintiff’s motion for entry of default (Doc. 65) is rendered MOOT by the filing of plaintiff’s amended complaint (Doc. 64).
2. Plaintiff’s motion to compel (Doc. 66) and his “writ for prisoner release” (Doc. 73), which is construed as a motion for release, are deemed WITHDRAWN for failure to file briefs in support of the motions. See L.R. 7.5.
3. Defendants’ motion to take the deposition of plaintiff (Doc. 70) is DENIED without prejudice to renew the motion after the Court rules on defendants’ pending motion to dismiss plaintiff’s amended complaint (Doc. 71) pursuant to Federal Rule of Civil Procedure 12(b)(6).

4. Plaintiff shall respond to defendants' motion to dismiss (Doc. 71) the complaint pursuant to Federal Rule of Civil Procedure 12(b)(6) on or before December 1, 2011. Failure to comply with this order may result in deeming the motion unopposed and granting the motion or dismissal of this case for failure to prosecute. See FED. R. CIV. P. 41(b) ("If the plaintiff fails to prosecute or to comply with these rules or a court order, a defendant may move to dismiss the action or any claim against it."); Link v. Wabash R.R. Co., 370 U.S. 626, 630-31 (1962) (interpreting Federal Rule of Civil Procedure 41(b) as permitting *sua sponte* dismissals by the court); Poulis v. State Farm Fire & Cas. Co., 747 F.2d 863, 868 (3d Cir. 1984).

S/ Christopher C. Conner
CHRISTOPHER C. CONNER
United States District Judge