

## United States District Court

EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION

YOLANDA FLORES NIEMANN	§	
	§	
V.	§	CASE NO. 4:17-CV-206
	§	Judge Mazzant
	§	
	§	
UNIVERSITY OF NORTH TEXAS	§	

### MEMORANDUM OPINION

Pending before the Court is Defendant’s Partial Motion to Dismiss (Dkt. #4). The Court, having considered the relevant pleadings, finds that Defendant’s motion should be granted.

### DISCUSSION AND ANALYSIS

On June 2, 2017, Defendant filed a partial motion to dismiss (Dkt. #4). No response was filed. On July 10, 2017, the Court gave Plaintiff the opportunity to file a response to the motion. The Court noted that “[i]f no response is filed by that date, the Court will assume Plaintiff has no opposition to the Court’s granting Defendant’s motion.” No Response was filed.


Local Rule CV-7(d) provides as follows:

**Response and Briefing.** The response and any briefing shall be contained in one document. A party opposing a motion shall file the response, any briefing and supporting documents within the time period prescribed by Subsection (e) of this rule. A response shall be accompanied by a proposed order conforming to the requirements of Subsection (a) of this rule. Briefing shall contain a concise statement of the reasons in opposition to the motion and a citation of authorities upon which the party relies. A party’s failure to oppose a motion in the manner prescribed herein creates a presumption that the party does not controvert the facts set out by movant and has no evidence to offer in opposition to the motion.

Since no response was filed, the Court will assume that Plaintiff does not controvert the facts set out in the motion. Accepting the facts in the motion as not controverted, Plaintiff has no plausible claims against Defendant except for the Title VII claim.

It is therefore **ORDERED** that Defendant's Partial Motion to Dismiss (Dkt. #4) is hereby **GRANTED** and all of Plaintiff's claims except for Title VII discrimination claim are hereby **DISMISSED** with prejudice.

**SIGNED this 15th day of September, 2017.**

  
AMOS L. MAZZANT  
UNITED STATES DISTRICT JUDGE