IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

MATTHEW SCHRAM,	§	
	§	
Plaintiff,	§	
	§	
v.	§	1:17-CV-581-RP
	§	
SELECT PORTFOLIO SERVICING, INC.,	§	
	§	
Defendant.	§	

ORDER

Before the Court is the above-entitled action, which was removed to federal court by

Defendant Select Portfolio Servicing, Inc. ("Defendant") on June 15, 2017. (Dkt. 1). Defendant filed

a Motion to Dismiss on June 19, 2017.

Responses to dispositive motions, including motions to dismiss, are due within 14 days of

the filing of the motion in question. W. D. Tex. Local R. CV-7(c)–(e). Here, although 28 days have

passed since Defendant filed its motion, Plaintiff has not filed any responsive documents.[1] The

Local Rules provide that "[i]f there is no response filed within the time period prescribed . . . the

court may grant the motion as unopposed."

The Court therefore **GRANTS** Defendant's Motion to Dismiss as unopposed. Plaintiff

Matthew Schram's claims against Defendant Select Portfolio Servicing, Inc. are hereby

DISMISSED WITH PREJUDICE.

---

[1] On July 14, 2017, Plaintiff filed a Response to the Notice of Removal, in which he alleges that "[t]here is no federal question to trigger federal jurisdiction." (Resp., Dkt. 6, ¶ 3). That Response did not reference Defendant's Motion to Dismiss or the legal arguments contained therein. (*See generally id.*). While Plaintiff appeared to suggest that the case should be remanded to state court, "[a] request for a court order must be made by motion." Fed. R. Civ. P. 7(b)(1). In any case, the Response was itself filed 25 days after Defendant's Motion to Dismiss.

1

IT IS FURTHER ORDERED that the Clerk of Court mail a copy of this order to Brian

Buster, Plaintiff's attorney, at the following address:

> 1301 S. IH 35 #105
> Austin, TX 78741

SIGNED on July 17, 2017.

_____

ROBERT PITMAN
UNITED STATES DISTRICT JUDGE