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HONORABLE RICHARD A. JONES

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

ELIZABETH A. CAMPBELL,

Plaintiff,

v.

FEDERAL HIGHWAY
ADMINISTRATION, et al.,

Defendants.

CASE NO. C14-454 RAJ

ORDER

This matter comes before the court on a motion to dismiss for lack of subject matter jurisdiction by defendants Federal Highway Administration and Gregory Nadeau, the Deputy Administrator. Dkt. # 11. On June 13, 2014, defendants City of Seattle, Lynn Peterson, and the Washington State Department of Transportation filed a response in support of the motion, indicating that they agree with the arguments made in the motion. Dkt. # 14. On June 30, 2014, the court construed this response as a joinder in the motion. Dkt. # 16. In that minute order, the court noted that plaintiff had not

1 responded or otherwise opposed the motion to dismiss, and that it was unclear whether
2 plaintiff failed to oppose because she did not oppose the action being dismissed, or for
3 some other reason. *Id.* (citing Local Rules W.D. Wash. CR 7(b)(2) (“Except for motions
4 for summary judgment, if a party fails to file papers in opposition to a motion, such
5 failure may be considered by the court as an admission that the motion has merit.”)).
6 Since plaintiff is proceeding pro se, the court allowed plaintiff another opportunity to
7 respond, and ordered that plaintiff respond to the motion to dismiss no later than July 25,
8 2014. *Id.* The court warned that if plaintiff did not respond by July 25, 2014, the court
9 would consider her non-opposition as an admission that the motion has merit, and grant
10 defendants’ motion to dismiss on that basis. *Id.*

11 Plaintiff has not responded. Accordingly, the court GRANTS defendants’ motion,
12 and dismisses this action without prejudice.

13 Dated this 28th day of July, 2014.

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18 The Honorable Richard A. Jones
19 United States District Judge
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