Cale v. USA Doc. 11

1 | 2 3 4 5 6 UNITED STATES DISTRICT COURT FOR THE 7 WESTERN DISTRICT OF WASHINGTON AT SEATTLE 8 9 EDWARD CALE, CASE NO. 2:17-cv-00095-RSM 10 Plaintiff, ORDER GRANTING DEFENDANT'S MOTION TO DISMISS v. 11 UNITED STATES OF AMERICA, 12 Defendant. 13 14 This matter came before the Court on Defendant's Motion to Dismiss. Dkt. #7. The Court 15 has reviewed the Motion, all evidence submitted in support of the motion, and Defendant's reply, as 16 well as the documents on file, and is otherwise fully informed. Plaintiff has failed to file a Response 17 or otherwise communicate with the Court in this matter. The failure to file a response "may be 18 considered by the court as an admission that the motion has merit." Local Civil Rule 7(b)(2). The 19 Court finds that Plaintiff's Complaint fails for lack of subject matter jurisdiction and fails to state a 20 claim upon which relief can be granted, and that dismissal with prejudice is warranted given 21 Plaintiff's lack of response to the instant Motion and for the other reasons stated by Defendant in its

23

24

22

Order Granting Defendant's Motion to Dismiss 2:17-cv-00095-RSM - 1

Motion. See Dkt. #7 at 7.

Therefore, it is hereby ordered that the Defendant's Motion to Dismiss (Dkt. #7) is 1 || GRANTED and all of plaintiff's claims against Defendant are dismissed with prejudice. DATED this 14th day of April 2017. RICARDO S. MARTINEZ CHIEF UNITED STATES DISTRICT JUDGE