

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

DAVID VOACOLO,	:	
	:	
Plaintiff,	:	Civil Action No.: 16-1324 (RC)
	:	
v.	:	Re Document Nos.: 13, 14
	:	
FEDERAL NATIONAL MORTGAGE	:	
ASSOCIATION, <i>et al.</i> ,	:	
	:	
Defendants.	:	

ORDER

On September 20, 2016, Defendant United States Department of the Treasury filed a motion to dismiss the Complaint. *See* ECF No. 13. On the same date, Defendants Federal National Mortgage Association and Federal Housing Finance Agency jointly filed a separate motion to dismiss the Complaint. *See* ECF No. 14. Mr. Voacolo’s response to the motions was due on October 20, 2016. *See* Minute Order (Aug. 16, 2016); *see also* D.D.C. Civ. R. 7(b). Mr. Voacolo, who is now proceeding *pro se*, has not yet filed any response.

Under Local Civil Rule 7(b), if any party fails to file a response to a motion within the prescribed time, “the Court may treat the motion as conceded.” *Id.* In *Fox v. Strickland*, 837 F.2d 507 (D.C. Cir. 1988) (per curiam), the D.C. Circuit held that a district court must take pains to advise a *pro se* party of the consequences of the failure to respond to a dispositive motion. *See also Neal v. Kelly*, 963 F.2d 453, 456 (D.C. Cir. 1992). “That notice . . . should include an explanation that the failure to respond . . . may result in the district court granting the motion and dismissing the case.” *Fox*, 837 F.2d at 509. The Court will therefore not treat Defendants’ motions as conceded at this time, but hereby advises Mr. Voacolo of his obligations under the Federal Rules of Civil Procedure and the Local Civil Rules. If Mr. Voacolo fails to submit a

memorandum responding to Defendants' motions, the Court may treat the motions as conceded, grant the motions, and dismiss the case. If Mr. Voacolo complies with his obligations under the Federal and Local Rules, he is advised that when the Court rules on Defendants' motions, it will take into consideration the facts proffered by Mr. Voacolo in the Complaint, along with his response or opposition to Defendants' motions.

Accordingly, it is hereby **ORDERED** that Mr. Voacolo shall respond to Defendants' motions to dismiss on or before **December 5, 2016**. If Plaintiff neither responds nor moves for an extension of time by that date, the Court may treat the motions as conceded and dismiss Plaintiff's Complaint.

SO ORDERED.

Dated: November 4, 2016

RUDOLPH CONTRERAS
United States District Judge