

**United States Court of Appeals
FOR THE DISTRICT OF COLUMBIA CIRCUIT**

No. 23-5042

September Term, 2022

1:22-cv-014120-RC

Filed On: May 9, 2023

Harold Jean-Baptiste,
Appellant

v.

United States Department
of Justice, et al.,
Appellees

BEFORE: Wilkins and Katsas, Circuit Judges,
and Sentelle, Senior Circuit Judge

ORDER

Upon consideration of the court's order to show cause filed March 2, 2023 and the response thereto; the motion for default judgment; and the motion to obtain Freedom of Information Act data, it is

ORDERED that the order to show cause be discharged. It is

FURTHER ORDERED that this appeal be dismissed for lack of jurisdiction. The district court's orders entered March 1, 2023 are not final, appealable decisions under 28 U.S.C. § 1291. The orders do not dispose of all claims against all parties or direct entry of

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final judgment at to any party pursuant to Fed. R. Civ. P. 54(b). Moreover, the orders are not otherwise immediately appealable. See 28 U.S.C. § 1292; Cohen v. Beneficial Indus. Loan Corp., 337 U.S. 541 (1949). It is

FURTHER ORDERED that the motion for default judgment and motion to obtain Freedom of Information Act data be dismissed as moot.

Pursuant to D.C. Circuit Rule 36, this disposition will not be published. The Clerk is directed to withhold issuance of the mandate herein until seven days after resolution of any timely petition for rehearing or petition for rehearing en banc. See Fed. R. App. P. 41(b); D.C. Cir. Rule 41.

Per Curiam

FOR THE COURT:
Mark J. Langer, Clerk

BY /s/
Amanda Himes
Deputy Clerk

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

HAROLD JEAN-BAPTISTE, :

Plaintiff, : Civil Action No.:
v. : 22-1420 (RC)

UNITED STATES :
DEPARTMENT OF :
JUSTICE, *et al.*, :

Defendants. :

ORDER

(Filed Mar. 1, 2023)

On February 28, 2023, Defendants filed a motion to dismiss the claims asserted against them in Plaintiff Harold Jean-Baptiste's complaint. *See* ECF No. 25. 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.

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The Court hereby advises Mr. Jean-Baptiste of his obligations under the Federal Rules of Civil Procedure and the Local Civil Rules. If Mr. Jean-Baptiste fails to submit a memorandum responding to Defendant's motion, the Court may treat the motion as conceded, grant the motion, and dismiss his case. If Mr. Jean-Baptiste complies with his obligations under the Federal and Local Rules, he is advised that when the Court rules on Defendants' motion, it will take into consideration the facts proffered by Mr. Jean-Baptiste in the complaint, along with his response or opposition to Defendants' motion.

Accordingly, it is hereby **ORDERED** that Plaintiff shall respond to Defendants' motion to dismiss on or before **March 31, 2023**. If Plaintiff neither responds nor moves for an extension of time by that date, the Court may treat the motion as conceded and dismiss Plaintiff's complaint.

SO ORDERED.

Dated: March 1, 2023 RUDOLPH CONTRERAS
United States District Judge