

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

DAVID LEE BUESS,

and

RODNEY DALE CLASS

Plaintiffs,

v.

**UNITED STATES OF AMERICA d/b/a
CORPORATION, et al.,**

Defendants.

Civil Action 09-02151 (HHK)

**ORDER DIRECTING PLAINTIFFS TO RESPOND TO
DEFENDANTS' MOTIONS TO DISMISS**

This matter comes before the Court upon defendant Gaston County's and defendant the State of Ohio's motions to dismiss plaintiffs' complaint [## 19, 24]. In *Fox v. Strickland*, 837 F.2d 507 (D.C. Cir. 1988), the D.C. Circuit held that a district court must take pains to advise a *pro se* party of the consequences of failing to respond to a dispositive motion. "That notice . . . should include an explanation that the failure to respond ... may result in the district court granting the motion and dismissing the case." *Id.* at 509.

Accordingly, it is by the Court this 4th day of February 2010, hereby

ORDERED that plaintiffs file an opposition to defendants' motions on or before February 24, 2010. If plaintiffs fail to file a response or opposition to defendants' motions by this deadline, the Court may enter judgment in favor of defendants. *See* LCvR 7(b).

Henry H. Kennedy, Jr.
United States District Judge