

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

JAMES DURHAM,	:
	:
Plaintiff,	:
	:
v.	: Civ. No. 22-1475-GBW
	:
DELAWARE DEPARTMENT OF	:
CORRECTIONS, et al.,	:
	:
Defendants.	:

**MEMORANDUM ORDER**

At Wilmington on this 25th day of September, 2023;

1. On January 6, 2023, Defendants filed a motion to dismiss (D.I. 6).

Plaintiff failed to timely respond.

2. On March 20, 2023, counsel for Defendants docketed a letter requesting that the motion to dismiss be deemed unopposed or the case dismissed for failure to prosecute. (D.I. 8). On March 27, 2023, the Court ordered Plaintiff to file a response to the motion to dismiss on or before April 17, 2023, and advised Plaintiff that his failure to file a response to the motion would result in dismissal of the case for failure to prosecute. (D.I. 9).

3. On March 30, 2023, the Court docketed a March 27, 2023 letter from Plaintiff that responded to counsel's March 20, 2023 letter, disputing that he has

been untimely in his filings, and stating that he had never received anything from the Court about responding to Defendants' motion to dismiss. (D.I. 10). To date, Plaintiff has responded neither to the motion to dismiss, nor the Courts' March 27, 2023 Order directing him to file a response to the motion to dismiss.

Now therefore, IT IS HEREBY ORDERED that:

1. The Complaint is **DISMISSED without prejudice** for Plaintiff's failure to prosecute this case.
2. Defendants' motion to dismiss (D.I. 6) is **DENIED** as moot.
3. The Clerk of Court is directed to **CLOSE** the case.



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United States District Judge