

ORIGINAL

In the United States Court of Federal Claims

RONALD BAZILE, SR.,

Plaintiff,

V.

THE UNITED STATES,

Defendant.

No. 15-1020C

Filed April 1, 2016

DISMISSAL ORDER

Plaintiff, *pro se*, Ronald Bazile, Sr., commenced this action on September 14, 2015 (docket entry no. 1). On the same date, plaintiff filed a motion to proceed *in forma pauperis* pursuant to 28 U.S.C. § 1915(a) (docket entry no. 3).

On December 4, 2015, the government filed a motion to dismiss pursuant to Rule 12(b)(1) and Rule 12(b)(6) of the Rules of the United States Court of Federal Claims (“RCFC”) (docket entry no. 7). Plaintiff’s response was due on January 7, 2016. Plaintiff failed to file a response by that date, and on January 15, 2016, the Court issued an Order to Show Cause directing plaintiff to respond to the government’s motion to dismiss and to show cause as to why the case should not be dismissed for failure to prosecute pursuant to RCFC 41(b) by February 16, 2016 (docket entry no. 8).

On February 29, 2016, plaintiff filed a motion for an extension of time, until March 29, 2016, to file his response to the Court's Order to Show Cause and to the government's motion to dismiss (docket entry no. 9). On March 4, 2016, the Court granted plaintiff's motion and ordered plaintiff to file his response to the Court's Order to Show Cause and to the government's motion to dismiss on or before March 29, 2016 (docket entry no. 11). The Court also stated that if plaintiff failed to timely file his responses, the Court would dismiss this action for failure to prosecute pursuant to RCFC 41(b).

On March 30, 2016, plaintiff filed a second motion for extension of time, until May 10, 2016, to file his responses to the Court's Order to Show Cause and to the government's motion

to dismiss (docket entry no. 12). Plaintiff represents that this additional time is needed to obtain documents from the Federal Emergency Management Agency. Because plaintiff failed to attach a certificate of service to his motion for an extension of time, as required by the Court's Rules, the Court grants plaintiff leave to file this motion. See RCFC 5.3(b).

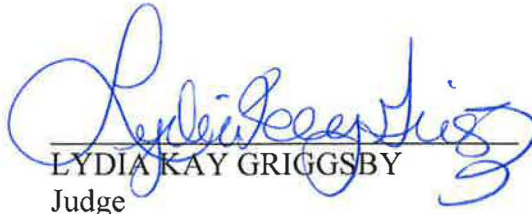
RCFC 41(b) provides that: "[i]f the plaintiff fails to prosecute or to comply with [the Court's] rules or a court order, the court may dismiss on its own motion" RCFC 41(b). Plaintiff has not filed a response to the Court's Order to Show Cause or to the government's motion to dismiss, as ordered by the Court in its Order to Show Cause and Order granting plaintiff's first extension request. Because plaintiff has failed to comply with the Court's Orders, or to respond to the government's motion to dismiss, the Court dismisses plaintiff's complaint without prejudice. RCFC 41(b).

In light of the foregoing, the Court:

1. **GRANTS** plaintiff leave to file his second motion for an extension of time and that motion shall be filed by leave of the Court;
2. **GRANTS** plaintiff's motion to proceed *in forma pauperis* due to the Court's summary disposition of this case and plaintiff's *pro se* status;
3. **DENIES** plaintiff's second motion for an extension of time, dated March 30, 2016; and
4. Directs the Clerk to **ENTER** final judgment **DISMISSING** the complaint without prejudice pursuant to RCFC 41(b).

No costs.

IT IS SO ORDERED.


LYDIA KAY GRIGGSBY
Judge