

The document below is hereby signed.

Signed: December 07, 2010.



*S. Martin Teel, Jr.*  
S. Martin Teel, Jr.  
United States Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF COLUMBIA

In re	)	
	)	
KARLA V. TURCIOS,	)	Case No. 08-00447
	)	(Chapter 7)
Debtor.	)	
_____	)	
	)	
JOSE AYALA,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Adversary Proceeding
	)	No. 08-10029
KARLA V. TURCIOS,	)	
	)	<b>Not for Publication in</b>
Defendant.	)	<b>West's Bankruptcy Reporter</b>

MEMORANDUM DECISION AND ORDER GRANTING MOTION  
TO DISMISS COMPLAINT FOR FAILURE TO PROSECUTE

On September 30, 2010, this Court entered a stipulated order directing the plaintiff to file by October 14, 2010, a motion for leave to file an amended complaint, along with an attached proposed amended complaint. No such motion has been filed. On October 29, 2010, the defendant filed a motion to dismiss the adversary proceeding for failure of the plaintiff to prosecute the adversary proceeding. The motion was accompanied by a notice giving the plaintiff a generous 21 days after service of the

motion to file an opposition. Accordingly, a response was due by November 22, 2010. As of today, 15 days after that deadline, no response has been filed.

Not only has the plaintiff failed, even belatedly, to file a motion for leave to file an amended complaint, but the plaintiff has also failed to file a response to the motion to dismiss in an attempt to show some excuse for failing to comply with the court's order. The failures timely to act are prejudicial to the defendant's right to receive a resolution in due course of whether her debt to the plaintiff is of a nondischargeable character. Those failures, moreover, are symptomatic of the lukewarm and dilatory approach the plaintiff has followed throughout this adversary proceeding's pendency in pursuing his claim that the debt owed him is nondischargeable.

For all these reasons, it is

ORDERED that the defendant's motion to dismiss this adversary proceeding for failure to prosecute is GRANTED, and a judgment of dismissal follows.

[Signed and dated above.]

Copies to: All counsel of record.