



Issue Date: 30 May 2019

Case No.: 2018-NTS-00009

In the Matter of

FREDDIE HARRIS

Complainant

v.

NEW YORK CITY TRANSIT AUTHORITY

Respondent

ORDER DISMISSING CASE

This matter arises out of the complaint filed by Mr. Freddie Harris (“Complainant”) against New York City Transit Authority (“Respondent”) pursuant to the National Transit Systems Security Act of 2007, 6 U.S.C. § 1142, and the applicable regulations at 29 C.F.R. Part 1982. A hearing is scheduled for September 9, 2019. Complainant is not represented by counsel.

On January 11, 2019, Respondent filed a Motion to Dismiss. On January 31, 2019, after a teleconference with the parties, I ordered Complainant to respond to the Motion to Dismiss no later than April 5, 2019. Complainant did not file a response.

On April 30, 2019, because Complainant failed to respond to Respondent’s motion, I ordered Complainant to show good cause, no later than May 10, 2019, why this matter should not be dismissed. In that order, I cautioned Complainant that I would likely dismiss this matter if he did not respond. *See* 29 C.F.R. §§ 18.33(d), 18.70(c). Complainant has not filed a response.

Respondent may properly move to dismiss an action or any claim against it. 29 C.F.R. § 18.70(c); Fed. R. Civ. P. 41(b). If Complainant fails to respond to such a motion, I may consider Respondent’s motion to be unopposed. 29 C.F.R. § 18.70(c); § 18.33(d). Respondent first moved to dismiss this matter on January 11, 2019. Despite being granted additional time to respond, Complainant failed to do so. Moreover, Complainant did not file any response to my order to show good cause for his failure to respond to Respondent’s motion. I conclude that Complainant has failed to prosecute this case, and Respondent’s Motion to Dismiss is unopposed.

Accordingly, **IT IS ORDERED** that this case be, and it hereby is, **DISMISSED** with prejudice.

LAUREN C. BOUCHER
Administrative Law Judge

Cherry Hill, New Jersey