

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION**

ISAAC OLAOGUN,

Plaintiff,

v.

Case No: 6:19-cv-339-Orl-40TBS

BANK OF AMERICA N.A.,

Defendant/Third
Party Plaintiff,

TD BANK, N.A.,

Third Party

Defendant.

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ORDER

This cause comes before the Court on Third-Party Defendant TD Bank, N.A.’s Motion to Dismiss (Doc. 21 (the “**Motion**”)), filed January 11, 2019. The Motion sought to dismiss the claims Third-Party Plaintiff Bank of America, N.A. (“**BOA**”), brought against TD Bank, N.A. (“**TD**”), in BOA’s Third-Party Complaint (Doc. 15). (Doc. 21). The Motion asserted personal jurisdiction and venue grounds in support of dismissal. (*Id.*). The Local Rules of the U.S. District Court for the Southern District of Texas—where this case was pending before being transferred to this Court—require “any response to a motion be filed no later than 21 days after the motion is filed.” *Leon v. Koch Indus.*, No. 2:17–CV–288, 2017 WL 5484696, at *1 (S.D. Tex. Nov. 14, 2017). “Failure to respond to a motion will be taken as a representation of no opposition.” S.D. Tex. Local Rule 7.4. BOA did not respond to the Motion and the time to do so has passed.

In the absence of a response, the Court finds that the Motion is due to be granted as unopposed. Accordingly, it is **ORDERED AND ADJUDGED** as follows:

1. Third-Party Defendant TD Bank, N.A.'s Motion to Dismiss (Doc. 21) is **GRANTED**.
2. Bank of America, N.A.'s Third-Party Complaint (Doc. 15) is **DISMISSED WITHOUT PREJUDICE**.
3. On or before **Thursday, February 28, 2019**, BOA may file an amended complaint. Failure to timely file will result in dismissal of Bank of America, N.A.'s action against TD Bank, N.A. with prejudice.

DONE AND ORDERED in Orlando, Florida on February 21, 2019.



PAUL G. BYRON
UNITED STATES DISTRICT JUDGE

Copies furnished to:

Counsel of Record
Unrepresented Parties