

In light of Plaintiff's express statement that he will not oppose the motion to dismiss because he feels that the case must be remanded, and his continuing failure to oppose the motion to dismiss despite the Court's determination that it has federal subject matter jurisdiction over this case, the Court construes Plaintiff's conduct as a failure to prosecute this action. Therefore, pursuant to Federal Rule of Civil Procedure 41(b), the Court will grant Defendant's motion to dismiss. An appropriate order will be filed.

s/ Stanley R. Chesler
STANLEY R. CHESLER
United States District Judge

Dated: December 18, 2013