

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

DAWNNA DUKES,

Plaintiff,

v.

NEWREZ LLC,
d/b/a SHELLPOINT MORTGAGE
SERVICING,

Defendant.

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1:22-CV-413-RP

ORDER

On March 24, 2023, Defendant NewRez LLC, doing business as Shellpoint Mortgage Servicing (“Defendant”) filed a motion for summary judgment. (Mot., Dkt. 18). Plaintiff Dawnna Dukes’s (“Plaintiff”) response to the motion for summary judgment is past due. *See* W.D. Tex. Loc. R. CV-7(d).

“A motion for summary judgment cannot be granted simply because there is no opposition,” but “a court may grant an unopposed summary judgment motion if the undisputed facts show that the movant is entitled to judgment as a matter of law.” *Day v. Wells Fargo Bank Nat. Ass'n*, 768 F.3d 435, 435 (5th Cir. 2014) (unpublished) (quoting *Hibernia Nat. Bank v. Administracion Cent. S.A.*, 776 F.2d 1277, 1279 (5th Cir. 1985)). When a party fails to address another’s fact assertions, the Court may give the party another opportunity to do so. Fed. R. Civ. P. 56(e)(1).

Accordingly, **IT IS ORDERED** that Plaintiff (1) shall show cause in writing on or before **May 4, 2023**, as to why the Court should not treat Defendant's assertions of fact as undisputed, or, alternatively, (2) Plaintiff shall file a response to Defendant's motion for summary judgment on or before **May 4, 2023**.

SIGNED on April 21, 2023.

A handwritten signature in blue ink, appearing to read "R. Pitman", written over a horizontal line.

ROBERT PITMAN
UNITED STATES DISTRICT JUDGE