

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION**

QUANG DANGTRAN and HA NGUYEN,

Plaintiffs,

v.

THE SECRETARY, UNITED STATES  
DEPARTMENT OF HOUSING AND  
URBAN DEVELOPMENT, on behalf of  
Nicole Williams,

Defendant.

Case No. 4:23-cv-20-ALM-CAD

**THE SECRETARY OF THE UNITED STATES DEPARTMENT OF HOUSING AND  
URBAN DEVELOPMENT’S NOTICE OF NON-OPPOSITION TO DEFENDANT’S  
MOTION TO DISMISS**

Defendant Secretary of the United States Department of Housing and Urban Development files this notice of non-opposition regarding its motion to dismiss pursuant to Rule 12(b)(1) of the Federal Rules of Civil Procedure. Doc. 9.

Plaintiffs Quang Dangtran and Ha Nguyen (“Plaintiffs”) filed a *pro se* complaint dated January 10, 2023, which was not docketed until February 21, 2023. Doc. 3. Dangtran also filed with this Court a *pro se* “notice of appeal from administrative court and change of jurisdiction to the U.S. district court.” Doc. 1. On March 13, 2023, the Secretary timely filed a motion to dismiss. Doc. 9.

Plaintiffs’ response in opposition to the Secretary’s motion, if any, was due on or before March 27, 2023. *See* Local Rule CV-7(e) (“A party opposing a motion has fourteen days . . . from the date the motion was served in which to file a response. . . .”). On March 17, 2023, Dangtran filed a “notice of non-availability” stating that he would be out of the country between March 20 and April 25 and requesting that “no depositions, hearings, discovery, deadline, or any other matter

which would require a responsive pleading and/or attendance in Court be scheduled” over that period. Doc. 12, at 1-2. But Plaintiffs did not file a motion requesting additional time to respond to the motion to dismiss or contact counsel regarding a potential extension of time. *See* Local Rule CV-12. Even if this Court were to treat Dangtran’s notice as staying Plaintiffs’ deadline to respond to the Secretary’s motion during Dangtran’s absence, Plaintiffs’ opposition would have been due no later than May 2, 2023 (seven days after Dangtran indicated that he would be back in the country).<sup>1</sup> Plaintiffs are therefore deemed unopposed to the Secretary’s motion to dismiss. *See* Local Rule CV-7(d) (“A party’s failure to oppose a motion in the manner prescribed herein creates a presumption that the party does not controvert the facts set out by movant and has no evidence to offer in opposition to the motion.”).

Accordingly, the Court should grant the Secretary’s motion to dismiss because, despite having the opportunity to contest dismissal, Plaintiffs have not done so and present no opposition to dismissal. Local Rule CV-7(d).

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<sup>1</sup> Although Dangtran represented in his notice that he would be out of the country through April 25 (Doc. 12, at 1), the itinerary attached as an exhibit to his notice shows that he returned to the United States on April 19 (Doc. 12-1). In addition, the itinerary does not indicate that Nguyen would be out of the country.

Dated: May 3, 2023

Respectfully submitted,

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/s/ Betty Young

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**ATTORNEYS FOR DEFENDANT**

**CERTIFICATE OF SERVICE**

I certify that on May 3, 2023, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send a notification of electronic filing (“NEF”) to the email address of Plaintiffs Quang Dangtran at [quangd@yahoo.com](mailto:quangd@yahoo.com) and Ha Nguyen at [quangd@yahoo.com](mailto:quangd@yahoo.com), who have consented to receive electronic notice. I further certify that on May 3, 2023, I served the foregoing document by certified mail with return receipt, #7021 2720 0000 4860 4270, to 7604 Stoney Point Drive, Plano, TX 75025.

*/s/ Betty Young* \_\_\_\_\_

Betty Young

Assistant U.S. Attorney