

ENTERED

April 22, 2026

Nathan Ochsner, Clerk

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

Sun Zhongjian, *et al.*,

Plaintiffs,

v.

enCore Energy Corp., *et al.*,

Defendants.

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Civil No. 4:25-cv-1234

ORDER

On March 10, 2026, Defendants moved to dismiss Plaintiffs’ Amended Complaint for failure to state a claim. Doc. 55. Plaintiffs failed to respond. Pursuant to the Local Rules of the Southern District of Texas, a plaintiffs’ failure to respond within 21 days “will be taken as a representation of no opposition.” *See* Local Rules 7.3 and 7.4.

The Federal Rules of Civil Procedure “do not, by their own terms, require a party to file a response in opposition to a motion to dismiss.” *Webb v. Morella*, 457 F. App’x 448, 452 n.4 (5th Cir. 2012). A district court may not “grant[] the motion to dismiss for failure to state a claim solely because the [Plaintiffs] failed to oppose the motion.” *Id.* (citing *John v. Louisiana*, 757 F.2d 698, 707–10 (5th Cir. 1985)).

By May 15, 2026, the parties are directed to file a joint status update of no more than three pages apprising the Court of the current status of this case. If Plaintiffs wish to oppose Defendant’s motion, they may seek leave to file a late response under Federal Rule of Civil Procedure 6.

SO ORDERED.

SIGNED at Houston, Texas, on the 22nd of April, 2026.

A handwritten signature in black ink, appearing to read 'N. Ganjei', is written over a horizontal line.

Nicholas J. Ganjei
United States District Judge