

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

**Hesham Magdi Ahmed Salah El Dean v. Lange, Kim & Dowell, LLP,
et al.**

Salah El Dean v. Lange, Kim & Dowell · No. 25-cv-2634 (JMC) · Decided January 22, 2026

SUMMARY

The United States District Court for the District of Columbia granted defendants’ motion to dismiss a pro se legal-malpractice complaint. The court treated the motion as conceded under Local Civil Rule 7(b) because the plaintiff failed to respond and alternatively held that the complaint failed to plausibly allege the elements of legal malpractice under Rule 12(b)(6).

CASE DETAILS

COURT	United States District Court for the District of Columbia
WRITING FOR THE COURT	Jia M. Cobb
JURISDICTION	United States District Court for the District of Columbia
DECIDED	January 22, 2026
DOCKET	25-cv-2634 (JMC)
DISPOSITION	dismissed
PROCEDURAL POSTURE	Defendants moved to dismiss a pro se legal-malpractice complaint under Local Civil Rule 7(b) and Federal Rule of Civil Procedure 12(b) (6). The court treated the unopposed motion as conceded and alternatively dismissed the complaint for failure to state a claim.
STANDARD OF REVIEW	On a Rule 12(b)(6) motion, the court determines whether the complaint contains sufficient factual matter, accepted as true, to state a claim for relief that is plausible on its face. Pro se filings are liberally construed, but pro se litigants must comply with the Federal Rules of Civil Procedure and applicable local rules.
PRECEDENTIAL VALUE	District court memorandum opinion; precedential status is identified as published in the supplied metadata, but no reporter citation appears in the opinion text.
PARTIES	Hesham Magdi Ahmed Salah El Dean v. Lange, Kim & Dowell, LLP, Nancy Kim, Other defendants

TOPICS

motions to dismiss

professional negligence

pleadings

civil procedure

PRACTICE AREAS

civil procedure

legal malpractice

professional negligence

QUESTIONS PRESENTED

1. Whether the court could treat defendants' motion to dismiss as conceded under Local Civil Rule 7(b) after plaintiff failed to respond.
2. Whether the complaint stated a plausible legal-malpractice claim under Federal Rule of Civil Procedure 12(b)(6).

HOLDINGS

1. The court may treat defendants' motion to dismiss as conceded because plaintiff failed to file any opposition by the deadline established in the Fox order.
2. The complaint failed to state a plausible legal-malpractice claim because it did not plead facts supporting the essential elements of attorney-client relationship, breach of a reasonable duty, and causally resulting loss.

KEY QUOTATIONS

“The Court thus grants Defendants’ motion to dismiss as conceded because Plaintiff “has failed to make any response.”” (at 1)

“Because Plaintiff’s complaint does not contain “sufficient factual matter” to state a plausible claim for legal malpractice, Ashcroft, 556 U.S. at 678, the Court also finds that the complaint can be dismissed under Rule 12(b)(6).” (at 3)

FACTUAL BACKGROUND

Plaintiff alleged that defendants, who had represented him in a prior breach-of-contract lawsuit, committed legal malpractice by failing to include important facts in that case. He asserted that, but for defendants' conduct, he would have won the prior lawsuit. The complaint did not identify the omitted facts or filings, explain how their omission caused the loss of the prior case, or provide other factual support for the malpractice elements.

PROCEDURAL HISTORY

Plaintiff filed a complaint alleging that defendants committed legal malpractice in connection with their representation of him in a prior breach-of-contract lawsuit. Defendants moved to dismiss. The court issued a Fox order directing plaintiff to respond, but plaintiff failed to respond by the deadline. The court granted the motion as conceded and independently concluded that the complaint failed to state a plausible legal-malpractice claim.

DISPOSITION

dismissed

CASES CITED

- Fox v. Strickland, 837 F.2d 507, 509 (D.C. Cir. 1988) (per curiam)
- Cohen v. Board of Trustees of the University of the District of Columbia, 819 F.3d 476, 481 (D.C. Cir. 2016)
- Woodhouse v. Ayfi Group, No. 22-cv-1834, 2022 WL 22625187 (D.D.C. Nov. 21, 2022)
- Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009)
- Erickson v. Pardus, 551 U.S. 89, 94 (2007)
- Hedrick v. FBI, 216 F. Supp. 3d 84, 93 (D.D.C. 2016)
- Chase v. Gilbert, 499 A.2d 1203, 1211 (D.C. 1985)

OPINION

PER CURIAM.

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA HESHAM MAGDI AHMED SALAH EL DEAN, Case No. 25-cv-2634 (JMC) Plaintiff, v. LANGE, KIM & DOWELL, LLP, et al., Defendants. MEMORANDUM OPINION Plaintiff Hesham Magdi Ahmed Salah El Dean filed a complaint alleging legal malpractice based on an attorney-client relationship in a prior case. ECF 1. Defendants Nancy Kim and Lange, Kim & Dowell LLP filed a motion to dismiss on November 5, 2025.

ECF 5. Because Plaintiff is appearing pro se, the Court entered a Fox order directing Plaintiff to respond to that motion by December 12, 2025. ECF 6; Fox v. Strickland, 837 F.2d 507, 509 (D.C. Cir. 1988) (per curiam) (requiring district court to inform a pro se plaintiff that “failure to respond... may result in the district court granting the motion and dismissing the case”).

The Court warned Plaintiff that failure to respond could result in the Court deeming the matter conceded. ECF 6 at 2. Because the deadline for responding to Defendants’ motion to dismiss passed 41 days ago, and because the Court also agrees that Plaintiff has failed to state any viable claim, the Court will treat the motion as conceded and GRANT Defendants’ motion to dismiss.¹ 1 Unless otherwise indicated, the formatting of citations has been modified throughout this opinion, for example, by omitting internal quotation marks, emphases, citations, and alterations and by altering capitalization.

All pincites to documents filed on the docket in this case are to the automatically generated ECF Page ID number that appears at the top of each page. 1 I. ANALYSIS A. Local Civil Rule 7(b) Under Local Civil Rule 7(b), an opposing party must “serve and file a memorandum of points and authorities in opposition” to any motion within 14 days of the date of service.

LCvR 7(b). If no memorandum is filed within that time, the Court “may treat the motion as conceded.” *Id.* The D.C. Circuit has affirmed the application of Rule 7(b) to motions to dismiss when plaintiffs fail to respond. See *Cohen v. Board of Trustees of the Univ. of the Dist. of Columbia*, 819 F.3d 476, 481 (D.C. Cir. 2016).

The Court thus grants Defendants’ motion to dismiss as conceded because Plaintiff “has failed to make any response.” *Woodhouse v. Ayfi Grp.*, No. 22-cv-1834, 2022 WL 22625187 (D.D.C. Nov. 21, 2022). B. Failure to State a Claim Under Rule 12(b)(6) Because the D.C. Circuit has expressed some concern about the interaction between Local Civil Rule 7(b) and Federal Rule of Civil Procedure 12(b)(6), alternatively, the Court also agrees with Defendants that Plaintiff’s complaint fails to state a claim on the merits and should be dismissed under Rule 12(b)(6).² For a Rule 12(b)(6) motion for failure to state a claim, the Court must determine whether the complaint “contain[s] sufficient factual matter, accepted as true, to state a claim to relief that is plausible on its face.” *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009).

Because Plaintiff is pro se, the Court will “liberally construe[]” his filing. *Erickson v. Pardus*, 551 U.S. 89, 94 (2007). But “even a pro se plaintiff must comply with the Federal Rules of Civil Procedure and this Court’s.”² The Circuit has noted that “[t]o the extent that [Local Rule 7(b)] allows a district court to treat an unopposed motion to dismiss as conceded, Local Rule 7(b) effectively places the burden of persuasion on the non-moving party: when he fails to respond, he loses.

But Federal Rule 12(b)(6) places this burden on the moving party.” *Cohen*, 819 F.3d at 481. While the D.C. Circuit has “yet to wrestle with th[is] tension,” “most circuits that have considered the application of similar local rules in this context prohibit district courts from granting a motion to dismiss solely because the plaintiff failed to respond.” *Id.* 2 local rules.” *Hedrick v. FBI*, 216 F. Supp. 3d 84, 93 (D.D.C.

2016). Plaintiff’s complaint alleges that Defendants engaged in “legal malpractice” by “not including important facts” in a 2022 lawsuit for “breach of contract.” ECF 1 at 1. Plaintiff argues that “[b]ut for defendants, Plaintiff would have won his case,” and asks the Court for “additional time to improve this complaint to be tried by Jury.” *Id.* In the District of Columbia, a plaintiff seeking to assert a legal malpractice claim must allege facts supporting three elements: “(1) that there is an attorney-client relationship; (2) that the attorney neglected a reasonable duty; and (3) that the attorney’s negligence resulted in and was the proximate cause of a loss to the client.” *Chase v. Gilbert*, 499 A.2d 1203, 1211 (D.C.

1985). As Defendants note in their motion to dismiss, Plaintiff’s complaint contains barely more than the two sentences the Court has quoted above and “provide[s] no facts to support the essential elements of a legal malpractice claim.” ECF 5-1 at 3.

For example, the complaint does not specify what “important facts” were missing from the prior lawsuit, or even what filings are at issue. ECF 1. The complaint also does not explain how the failure to include those facts led Plaintiff to lose that prior case. *Id.* Because Plaintiff’s complaint does not contain “sufficient factual matter” to state a plausible claim for legal malpractice, *Ashcroft*, 556 U.S. at 678, the Court also finds that the complaint can be dismissed under Rule 12(b)(6).

For the foregoing reasons, Defendants’ motion to dismiss for failure to state a claim, ECF 5, is GRANTED, and as a result Plaintiff’s complaint, ECF 1, is DISMISSED. A separate order accompanies this memorandum opinion. SO ORDERED. _____ JIA M. COBB United States District Judge Date: January 22, 2026 3