

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)

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