

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**

SEAN A. COLE,

Plaintiff,

v.

Civil Action No. **3:21CV413**

DR. CHARLES NWAOKOCHA, et al.,

Defendants.


MEMORANDUM OPINION

By Memorandum Order entered on June 11, 2023, the Court granted Plaintiff's motion for an extension of time to respond to Defendants' Motion for Summary Judgment. Nevertheless, Plaintiff has not responded to the Motion for Summary Judgment. It appeared that Plaintiff lacks an interest in continuing to prosecute this action. Accordingly, by Memorandum Order entered on October 3, 2023, the Court directed Plaintiff to file a written statement stating his desire to continue to litigate this action within twenty (20) days of the date of entry thereof. The Court warned Plaintiff that the failure to file the required statement will result in the dismissal of the action. Fed. R. Civ. P. 41(b).

More than twenty (20) days have elapsed since the entry of the October 3, 2023 Memorandum Order and Plaintiff has not responded. Accordingly, the action will be DISMISSED WITHOUT PREJUDICE.

An appropriate Order shall accompany this Memorandum Opinion.

Date: 7 November 2023
Richmond, Virginia

/s/ 

John A. Gibney, Jr.
Senior United States District Judge