

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION**

GEORGE WILSON AYRES,)	
Plaintiff,)	Civil Action No. 7:20cv00110
)	
v.)	<u>MEMORANDUM OPINION</u>
)	
D. PAUL OHAI,)	By: Michael F. Urbanski
Defendant.)	Chief United States District Judge

Plaintiff George Wilson Ayres, a Virginia inmate proceeding pro se, filed this civil rights action pursuant to 42 U.S.C. § 1983. On July 17, 2020, defendant filed a motion for summary judgment, and, on July 20, 2020, the court issued a notice pursuant to Roseboro v. Garrison, 528 F.2d 309, 310 (4th Cir. 2005). See ECF Nos. 15 and 17. The Roseboro notice gave Ayres twenty-one days to file a response to the motion and advised him that, if he did not respond, the court would “assume that Plaintiff has lost interest in the case, and/or that Plaintiff agrees with what the Defendant states in their responsive pleading(s).” See ECF No. 17. The notice further advised Ayres that, if he wished to continue with the case, it was “necessary that Plaintiff respond in an appropriate fashion,” and that if he failed to file some response within the time allotted, the court “may dismiss the case for failure to prosecute.” Id. Ayres did not respond to the motion for summary judgment. Therefore, the court will dismiss Ayres’s complaint without prejudice for failure to prosecute.

ENTER: This 14th day of August, 2020.



Michael F. Urbanski
Chief U.S. District Judge
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Michael F. Urbanski
Chief United States District Judge