

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

JORGE CRUZ,)	
)	
Plaintiff,)	Civil Action No. 7:22cv00374
)	
v.)	<u>MEMORANDUM OPINION</u>
)	
MAYOR GARY HODNETT, <i>et al.</i> ,)	By: Hon. Thomas T. Cullen
)	United States District Judge
Defendants.)	

Plaintiff Jorge Cruz, an inmate proceeding *pro se*, filed this civil action under 42 U.S.C. § 1983. On November 3, 2022, the defendants filed a motion to dismiss, and the court issued a notice pursuant to *Roseboro v. Garrison*, 528 F.2d 309, 310 (4th Cir. 2005), on November 4. (*See* ECF Nos. 21–23.) The *Roseboro* notice gave Cruz 21 days to file a response to the motion to dismiss and advised him that, if he did not respond to the defendants’ motion, 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. 23.) The notice further advised Cruz that, if he wished to continue with the case, it was “necessary that [he] respond in an appropriate fashion,” and that if he failed to file a response to the motion within the time allotted, the court “may dismiss the case for failure to prosecute.” (*Id.*) Cruz did not respond to the motion and, therefore, the court will dismiss this action without prejudice for failure to prosecute.

The Clerk shall send copies of this Memorandum Opinion and the accompanying Order to the parties.

ENTERED this 7th day of December, 2022.

/s/ Thomas T. Cullen

HON. THOMAS T. CULLEN
UNITED STATES DISTRICT JUDGE