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AT ROANOKE, VA
FILED
April 04, 2024
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IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

THAD GILBERT COOPER,)
)
 Plaintiff,)
)
 v.)
)
 B. MULLINS,)
)
 Defendant.)

Civil Action No. 7:23cv00330

MEMORANDUM OPINION

By: Hon. Thomas T. Cullen
United States District Judge

Plaintiff Thad Gilbert Cooper, proceeding *pro se*, filed this civil action under 42 U.S.C. § 1983. On January 8, 2024, Defendant B. Mullins filed a motion for summary judgment, and on January 9, 2024, the court issued a notice pursuant to *Roseboro v. Garrison*, 528 F.2d 309, 310 (4th Cir. 2005). (*See* ECF Nos. 24 & 27.) The *Roseboro* notice gave Cooper 21 days to file a response to the motion for summary judgment and advised him that, if he did not respond to the defendant’s motion, the court would “assume that [he] has lost interest in the case, and/or that [he] agrees with what the Defendant states in their responsive pleading[.]” (ECF No. 27.) The notice further advised Cooper 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.*)

Despite being given an extension of time to respond (*see* ECF No. 30), to date, Cooper has not responded to the defendant’s 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 4th day of April, 2024.

/s/ Thomas T. Cullen

HON. THOMAS T. CULLEN
UNITED STATES DISTRICT JUDGE