

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

ALFONZA GACHETT,)
AIS # 160757,)
)
Plaintiff,)
)
v.)
)
RAYMOND ROGERS, *et al.*,)
)
Defendants.)

CIVIL ACTION NO. 2:09-CV-117-CSC
(WO)

OPINION and ORDER OF THE MAGISTRATE JUDGE

This cause of action is pending before the court on a 42 U.S.C. § 1983 complaint filed by Alfonza Gachett (“Gachett”), a state inmate, on February 17, 2009. In his complaint, Gachett claims that the defendants acted with deliberate indifference to his safety and challenges the conditions of confinement in the Bullock County Detention Center.

Pursuant to the orders of this court, the defendants filed a written report supported by relevant evidentiary materials in which they addressed the claims for relief presented by Gachett. The reports and evidentiary materials refute the self-serving, conclusory allegations presented in the instant cause of action. The court thereafter issued an order directing Gachett to file a response to the written reports. *Order of May 4, 2009 - Court Doc. No. 12.* The order advised Gachett that his failure to respond to the defendants’ written reports would be treated by the court **“as an abandonment of the claims set forth in the complaint and as a failure to prosecute this action.”** *Id.* at 1 (emphasis in original). Additionally, the order **“specifically cautioned [the plaintiff] that [his failure] to file a response in**

compliance with the directives of this order” would result in the dismissal of this civil action. *Id.* On May 27, 2009, June 16, 2009, and June 26, 2009, this court granted Gachett extensions to file his response. (Doc. Nos. 15, 17, & 19.) The time allotted Gachett for filing a response in compliance with the directives of this court’s June 26, 2009, order expired on July 13, 2009. As of the present date, Gachett has failed to file a requisite response in opposition to the defendants’ written report. In light of the foregoing, the court concludes that this case should be dismissed.

The court has reviewed the file in this case to determine whether a less drastic measure than dismissal is appropriate. After such review, it is clear that dismissal of this case without prejudice is the proper course of action. Gachett is indigent. Thus, the imposition of monetary or other punitive sanctions against him would be ineffectual. Additionally, Gachett has exhibited a lack of deference for this court and its authority as he has failed to comply with the directives of the orders entered in this case. It is therefore apparent that any additional effort by this court to secure Gachett’s compliance would be unavailing. Consequently, the court concludes that the plaintiff’s abandonment of his claims, his failure to comply with the orders of this court and his failure to properly continue prosecution of this cause of action warrant dismissal of this case.

CONCLUSION

For the foregoing reasons, it is **ORDERED** that this case be dismissed without prejudice.

Done this 7th day of August, 2009.

_____/s/Charles S. Coody
CHARLES S. COODY
UNITED STATES MAGISTRATE JUDGE