

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

RODNEY ALVERSON, #132431,)	
)	
Plaintiff,)	
)	
v.)	CIVIL ACTION NO. 2:11-CV-299-TFM
)	[WO]
)	
)	
KIM THOMAS, et al.,)	
)	
Defendants.)	

MEMORANDUM OPINION

This case is before the court on a 42 U.S.C. § 1983 complaint filed by Rodney Alverson [“Alverson”], a state inmate currently confined at the Draper Correctional Facility, in which he challenges restrictions placed on out-going legal mail and procedures undertaken by the emergency response team in confiscating property from inmates during shakedowns.

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 Alverson. The reports and evidentiary materials refute the self-serving, conclusory allegations presented in the instant cause of action. Specifically, the documents indicate the actions about which the plaintiff complains did not violate his constitutional rights. The court therefore issued an order directing Alverson to file a response to the written reports. *Order of August 23, 2011 - Doc. No. 32*. This order advised Alverson that his

failure to respond to the defendant's 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.* In accordance with subsequent orders, the time allotted Alverson for filing a response in compliance with the directives of the aforementioned order expired on April 9, 2012. As of the present date, Alverson has failed to file a 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. Alverson is an indigent inmate. Thus, the imposition of monetary or other punitive sanctions against him would be ineffectual. Additionally, Alverson 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 his compliance would be unavailing. Moreover, it appears from the pleadings filed by the parties that the actions made the basis of this complaint did not violate Alverson's constitutional rights. 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.

A separate order will accompany this memorandum opinion.

Done this 18th day of June, 2012.

/s/Terry F. Moorer
TERRY F. MOORER
UNITED STATES MAGISTRATE JUDGE