

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

FRENCHER D. WYATT MACON,)	
#150609,)	
Plaintiff,)	
)	
v.)	CIVIL ACTION NO. 2:11-CV-903-SRW
)	[WO]
ALA. STATE WDN. III FRANK)	
ALBRIGHT, <i>et al.</i> ,)	
)	
Defendants.)	

MEMORANDUM OF OPINION

Plaintiff, an inmate in the custody of the Alabama Department of Corrections, filed this complaint on October 19, 2011. On April 2, 2012, the court directed Defendants to file an answer and written report addressing Plaintiff's claims for relief. In compliance with the court's order, Defendants submitted an answer and written report on June 13, 2012, which contained relevant evidentiary materials refuting the allegations presented in the instant complaint. The court then issued an order directing Plaintiff to file a response to Defendants' answer and written report. (*Doc. No. 33.*) Plaintiff was advised that her failure to respond to Defendants' answer and written report 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.**"(emphasis in original). (*Id.*) Additionally, Plaintiff was "**specifically cautioned that [her failure] to file a response in compliance with the directives of this order**" would result in the dismissal of this case. (*Id.*)

The time allotted Plaintiff for the filing of a response expired on July 5, 2012. As of

the present date, Plaintiff has filed nothing in opposition to Defendants' answer and written report as required by order filed June 14, 2012. 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 less drastic sanctions than dismissal are appropriate. After such review, it is clear that dismissal of this case is the proper sanction. Plaintiff is an indigent state inmate. Thus, the imposition of monetary or other punitive sanctions against her would be ineffectual. Additionally, Plaintiff has exhibited a lack of respect for this court and its authority as she 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 Plaintiff's compliance would be unavailing. Consequently, the court concludes that Plaintiff's abandonment of her claims, her failure to comply with the orders of this court, and her failure to properly prosecute this cause of action warrant dismissal of this case.

For the foregoing reasons, the instant complaint is DISMISSED without prejudice for Plaintiff's failures to prosecute this action and to comply with the orders of this court.

A separate judgement follows.

DONE, this 7th day of August, 2012.

/s/ Susan Russ Walker
SUSAN RUSS WALKER
CHIEF UNITED STATES MAGISTRATE JUDGE