

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
MACON DIVISION

PHILIP LEE GREEN,

Plaintiff

VS.

GA BOARD OF PARDONS AND PAROLES, *et al.*,

Defendants

NO. 5:09-CV-197 (HL)

**PROCEEDINGS UNDER 42 U.S.C. §1983
BEFORE THE U. S. MAGISTRATE JUDGE****ORDER REQUIRING RESPONSE TO MOTION TO DISMISS**

Defendants Georgia State Board of Pardons and Paroles, Gale L Buckner, Robert E. Keller, Milton E. Nix, Jr, Garland R. Hunt, and James E Donald have filed a motion seeking dismissal of the above-captioned §1983 action. Tab #25. Since plaintiff Phillip Lee Green is proceeding *pro se*, the court deems it appropriate and necessary to advise him of his obligation to respond to this motion and of the consequences which he may suffer if he fails to do so.

Plaintiff is advised:

- (1) that a **MOTION TO DISMISS** has been filed herein on behalf of the defendants;
- (2) that he has the right to oppose the granting of said motion; and,
- (3) that if he fails to oppose said motion, his complaint may be **DISMISSED**.

Plaintiff Green is further advised that under the procedures and policies of this court, **MOTIONS TO DISMISS** are normally decided on briefs. The court considers the pleadings and briefs filed by the parties in deciding whether **DISMISSAL** is appropriate under the law.

FAILURE OF THE PLAINTIFF HEREIN TO RESPOND TO THE MOTION TO DISMISS MAY RESULT IN THE GRANTING OF SAID MOTION. Upon the recommendation of the magistrate judge, the district judge could then grant the motion to dismiss. There would be no trial or any further proceedings!

Accordingly, plaintiff Green is ORDERED AND DIRECTED to file a response to said MOTION TO DISMISS **ON OR BEFORE FRIDAY, NOVEMBER 27, 2009**. Thereafter, the court will consider the motion and any opposition to the same filed by the plaintiff. If no response is submitted by plaintiff Green, the court will consider said motion to be uncontested.

The Clerk is directed to serve plaintiff Green at the last address provided by him.

SO ORDERED, this 3rd day of NOVEMBER, 2009.



s/ Claude W. Hicks, Jr.

CLAUDE W. HICKS, JR.

UNITED STATES MAGISTRATE JUDGE