

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION  
1:17-cv-304-FDW**

**ROBERT LAMAR McFADDEN,** )  
 )  
 **Plaintiff,** )  
 )  
 **vs.** )  
 )  
 **HUBERT CORPENING, et al.,** )  
 )  
 **Defendants.** )  
 \_\_\_\_\_ )

**ORDER**

**THIS MATTER** is before the Court on its March 13, 2018, Order requiring Plaintiff to file an Amended Complaint. (Doc. No. 10). The Court warned Plaintiff that failing to file an Amended Complaint within 14 days would result in this case’s dismissal without prejudice. (Doc. No. 10 at 7). Plaintiff has not filed an Amended Complaint and the time to do so has expired.

Plaintiff has failed to comply with the Court’s March 13, 2018, by filing an Amended Complaint, Plaintiff appears to have abandoned this case, and the Court is unable proceed. This case is therefore dismissed without prejudice. Fed. R. Civ. P. 41(b) (“If the plaintiff fails to prosecute or to comply with these rules or a court order, a defendant may move to dismiss the action or any claim against it.”); Link v. Wabash R.R. Co., 370 U.S. 626, 631-33 (1962) (although Rule 41(b) does not expressly provide for *sua sponte* dismissal, a district court has the inherent power to dismiss a case for lack of prosecution or violation of a court order).

**IT IS, THEREFORE, ORDERED that:**

- (1) This action is dismissed without prejudice for Plaintiff’s failure to file an Amended Complaint pursuant to this Court’s order dated March 13, 2018.

(2) The Clerk of this Court is directed to terminate this action.

Signed: April 10, 2018

A handwritten signature in black ink, appearing to read "Frank D. Whitney", written over a horizontal line.

Frank D. Whitney  
Chief United States District Judge

