

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
DOCKET NO. 3:09-cv-00424-W

WALTER WILLIAMSON,
Plaintiff,
vs.
GASTON COUNTY, GASTON COUNTY
DEPARTMENT OF PUBLIC WORKS,
RAY MAXWELL, BARRY CLONINGER,
MARCIE SMITH,
Defendants.

NOTICE

THIS MATTER is before the Court sua sponte following the filing of Defendants' Motion to Dismiss (Doc. No. 8) pursuant to Rules 12(b)(1),(2),(4), and (5) of the Federal Rules of Civil Procedure, wherein Defendants have moved the Court to dismiss the Complaint.

In accordance with Roseboro v. Garrison, 528 F.2d 309 (4th Cir. 1975), the Court advises Plaintiff, who is proceeding pro se, that he has a right to respond to Defendants' Motion to Dismiss and carries the burden to show that subject matter and personal jurisdiction exist. Plaintiff may file a response brief in accordance with the Court's standing orders by Monday, December 21, 2009.

The Court also advises Plaintiff that his failure to respond may result in Defendants being granted the relief they seek, that is, the dismissal of the Complaint.

The Clerk is directed to send a copy of this Notice to Plaintiff at 1426 North Caldwell Street, Gastonia, North Carolina, 28052, which is his address of record, and to counsel for Defendants.

Signed: December 2, 2009

Handwritten signature of Frank D. Whitney
Frank D. Whitney
United States District Judge