

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:17-cv-520-FDW-DSC**

TAMIKA RENEE BURKETT,)
)
 Plaintiff,)
)
 vs.)
)
)
 GOODWILL, et al.,)
)
 Defendants.)
 _____)

ORDER

THIS MATTER is before the Court on its January 10, 2018, Order requiring Plaintiff to file an Amended Complaint. (Doc. No. 3). The Court warned Plaintiff that failing to file an Amended Complaint within 30 days of the Order would result in this case’s dismissal without prejudice. (Doc. No. 3 at 6). Plaintiff has not filed an Amended Complaint and the time to do so has expired.

Plaintiff has failed to comply with the Court’s Order of January 10, 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. See 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 January 10, 2018.

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

Signed: February 13, 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

