

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:17-cv-585-FDW**

KEVIN MORGAN,)
)
 Plaintiff,)
)
 vs.)
)
)
 GERALDINE BENNETT, et al.,)
)
 Defendants.)
 _____)

ORDER

THIS MATTER is before the Court following Plaintiff’s failure to comply with the Court’s order requiring Plaintiff to amend his Complaint. See (Doc. No. 33).

Pro se Plaintiff Kevin Morgan, a North Carolina state inmate currently incarcerated at Lumberton Correctional Institution in Lumberton, North Carolina, filed this action on January 30, 2017, pursuant to 42 U.S.C. § 1983. Following an initial review by this Court, the Court ordered Plaintiff, on October 5, 2017, to file an Amended Complaint within thirty days. (Doc. No. 32). The Court expressly warned Plaintiff that his failure to amend the Complaint in accordance with the Court’s order would result in dismissal without prejudice and without further notice to Plaintiff. (Id.).

Plaintiff did not file his Complaint within thirty days. On December 1, 2017, this Court again entered an order requiring Plaintiff to file an Amended Complaint within thirty days. (Doc. No. 33). The Court again warned Plaintiff that his failure to amend the Complaint in accordance with the Court’s order dated October 5, 2017, would result in dismissal without prejudice and without further notice to Plaintiff. (Id.). More than thirty days have elapsed since the Court’s

service of this second order, and Plaintiff has failed to submit an Amended Complaint. Given that Plaintiff has failed to respond to this Court's two orders to amend the Complaint, this action will be dismissed without prejudice for failure to prosecute.

IT IS, THEREFORE, ORDERED that:

- (1) This action is dismissed without prejudice.
- (2) The Clerk of this Court is directed to terminate this action.

Signed: January 10, 2018



Frank D. Whitney
Chief United States District Judge

