

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
CIVIL CASE NO. 3:24-cv-00598-MR

DAYSHAWN BECKHAM,)	
)	
Plaintiff,)	
)	
vs.)	
)	
ALL ADAs IN HOMICIDE UNIT OF)	
MECKLENBURG COUNTY, et al.,)	<u>ORDER</u>
)	
Defendants.)	
_____)	

THIS MATTER is before the Court sua sponte.

The pro se Plaintiff filed this civil rights action while he was a pretrial detainee at the Granville Correctional Institution. [Doc. 1]. On October 10, 2024, the Complaint was dismissed on initial review and the Court granted the Plaintiff 30 days in which to amend. [Doc. 8]. The Plaintiff was cautioned that, “[s]hould the Plaintiff fail to timely amend his Complaint in accordance with this Order, the Court will dismiss this action without further notice.” [Id. at 6].

The Plaintiff has not amended his Complaint and the time to do so has expired. It appears that he has abandoned this action and the Court is

unable to proceed.¹ Accordingly, this action is 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, 630-33 (1962) (although Rule 41(b) does not expressly provide for *sua sponte* dismissal, Rule 41(b) does not imply any such restriction and a court has the inherent power to dismiss a case for lack of prosecution or violation of a court order).

IT IS, THEREFORE, ORDERED that this action is **DISMISSED WITHOUT PREJUDICE.**

IT IS SO ORDERED.

Signed: November 25, 2024



Martin Reidinger
Chief United States District Judge



¹ It is unclear whether the Plaintiff has failed to update the Court with his current address. [See Standing Order of Instructions]. While the Plaintiff’s address of record is at the Granville Correctional Institution, the State’s website indicates that the Plaintiff’s “[c]urrent incarceration record is unavailable at this time.” See <https://webapps.doc.state.nc.us/opi/viewoffender.do?method=view&offenderID=1394471&searchOffenderId=1394471&searchDOBRange=0&listurl=pagelistoffendersearchresults&listpage=1> (last accessed Nov. 21, 2024); Fed. R. Evid. 201.