

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION
5:15-cv-00106-FDW

LAMARZ BASS,)
)
 Plaintiff,)
)
 v.)
)
 FNU POTEAT, *et al.*,)
)
 Defendants.)
 _____)

ORDER

THIS MATTER is before the Court following a review of Plaintiff’s *pro se* complaint which he filed pursuant to 42 U.S.C. § 1983, and the documents submitted in support of the complaint.

Plaintiff is a prisoner of the State of North Carolina and was so at the time that he filed his complaint. Accordingly, Plaintiff must abide by the mandatory requirements of the Prisoner Litigation Reform Act (“PLRA”) which provides that a prisoner must exhaust his administrative remedies prior to the commencement of a civil action under § 1983. The PLRA provides, in pertinent part that “[n]o action shall be brought with respect to prison conditions under section 1983 of this title, or any other Federal law, by a prisoner confined in any jail, prison, or other correctional facility until such administrative remedies as are available are exhausted.” 42 U.S.C. § 1997e(a).

In North Carolina, State prisoners must complete a three-step administrative remedy procedure (ARP) in order to exhaust their administrative remedies. See N.C. Gen. Stat. §§ 148-118.1 to 148-118.9 (Article 11A: Corrections Administrative Remedy Procedure); Moore v. Bennette, 517 F.3d 717, 721 (4th Cir. 2008).

Plaintiff filed a copy of his grievance and the Step One and Step Two response, but he did not submit his Step Three response therefore it is unclear whether Plaintiff has exhausted his administrative remedies. Accordingly, Plaintiff will be provided 14-days from entry of this Order to file the Step-Three response to his written grievance or provide a verified statement explaining why he cannot produce his Step Three response.

IT IS, THEREFORE, ORDERED that Plaintiff shall within fourteen (14) days from entry of this Order file the Step-Three response to his written grievance or provide a verified statement explaining why he cannot produce his Step Three response. Plaintiff is notified that failure to comply with this Order will result in dismissal of this civil action and without further notice.

SO ORDERED.

Signed: October 2, 2015



Frank D. Whitney
Chief United States District Judge

