

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Anthony Lee Lamboy,)	C/A No. 0:10-2407-TLW-PJG
)	
Plaintiff,)	
)	
vs.)	ORDER
)	
Spartanburg County Detention Facility)	
Medical; Larry Powers, Warden; Captain)	
Teresa Speller; L.T. Pilgrim; Cpl Church,)	
)	
Defendants.)	
)	

The plaintiff has filed this action, *pro se*, seeking relief pursuant to 42 U.S.C. § 1983. Plaintiff, a pre-trial detainee with the South Carolina Department of Corrections, alleges violations of his constitutional rights by the named defendants. The defendants filed a motion for summary judgment on January 31, 2011 pursuant to the Federal Rules of Civil Procedure. (ECF Nos. 29, 30, 31, & 32.) As the plaintiff is proceeding *pro se*, the court entered an order pursuant to Roseboro v. Garrison, 528 F.2d 309 (4th Cir. 1975) on February 1, 2011, advising the plaintiff of the importance of a motion for summary judgment and of the need for him to file an adequate response. (ECF No. 33.) The plaintiff was specifically advised that if he failed to respond adequately, the defendants' motion may be granted, thereby ending his case.

On February 15, 2011, the court granted the plaintiff leave to file an Amended Complaint. (ECF Nos. 36 & 38.) The defendants filed a supplement to their motion for summary judgment on March 8, 2011, and the court issued a second Roseboro order on March 9, 2011. (ECF Nos. 45 & 47.) The plaintiff filed a motion requesting additional time to file his response on April 20, 2011 which the court granted by docket text order on April 22, 2011. (ECF Nos. 60 & 62.)

Despite his extension of time and notwithstanding the specific warning and instructions set forth in the court's Roseboro orders, the plaintiff has failed to respond to the motion. As such, it appears to the court that he does not oppose the motion and wishes to abandon this action.

Based on the foregoing, it is

ORDERED that the plaintiff shall advise the court as to whether he wishes to continue with this case and to file a response to the defendants' motion for summary judgment within fourteen (14) days from the date of this order. Plaintiff is further advised that if he fails to respond, **this action will be recommended for dismissal with prejudice for failure to prosecute.** See Davis v. Williams, 588 F.2d 69, 70 (4th Cir. 1978); Fed. R. Civ. P. 41(b).

IT IS SO ORDERED.



Paige J. Gossett

UNITED STATES MAGISTRATE JUDGE

May 10, 2011
Columbia, South Carolina