

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

Daniel R. McClain,)	
)	C/A No. 0:15-4516-MBS
Plaintiff,)	
)	
vs.)	
)	ORDER
Mr. Lefford Fate, Medical Director,)	
et al.,)	
)	
Defendants.)	
_____)	

Plaintiff Daniel R. McClain is an inmate in custody of the South Carolina Department of Corrections (SCDC) who currently is housed at Turbeville Correctional Institution in Turbeville, South Carolina. On November 6, 2015, Plaintiff filed a complaint pursuant to 42 U.S.C. § 1983, alleging that numerous staff members employed by or associated with the SCDC violated his constitutional right to medical care.

In accordance with 28 U.S.C. § 636(b) and Local Rule 73.02, D.S.C., this matter was referred to United States Magistrate Judge Paige J. Gossett for pretrial handling. On December 11, 2015, the Magistrate Judge issued a Report and Recommendation in which she recommended that the complaint be summarily dismissed without prejudice as to all Defendants except Defendant Fate. Also on December 11, 2015, the Magistrate Judge issued an order in which she directed Plaintiff to, within twenty-one days, (1) complete a summons, and (2) complete a Form USM-285 as to Defendant Fate. Plaintiff specifically was advised that failure to bring the case into proper form could result in the complaint being dismissed for failure to prosecute and failure to comply with an order of the court.

On January 14, 2016, the court adopted the Report and Recommendation and dismissed all

Defendants with the exception of Defendant Fate. However, the court received no response from Plaintiff regarding the Magistrate Judge's December 11, 2015, order. Accordingly, on February 9, 2016, the complaint was dismissed without prejudice for failure to prosecute and failure to comply with an order of the court.

This matter now is before the court on motion for emergency relief filed by Plaintiff on February 25, 2016. Plaintiff appears to contend that he timely forwarded the requisite information to bring his case into proper form. However, contrary to Plaintiff's allegations, the court has not received either the completed summons or completed USM-285 with respect to Defendant Fate.

The Office of the Clerk of Court is directed again to provide Plaintiff with the necessary materials to bring his case into proper form, as reflected in the Magistrate Judge's December 11, 2015, order. Should Plaintiff wish to continue with the within litigation, he should resubmit the summons and USM-285 no later than August 1, 2016.

IT IS SO ORDERED.

/s/ Margaret B. Seymour
Senior United States District Judge

Columbia, South Carolina

July 19, 2016.