

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

William Keith Gary,)	C/A No.: 1:11-353-TLW-SVH
)	
Plaintiff,)	
)	
vs.)	
)	ORDER
Larry Powers, Warden; and Dr. S.)	
Bianco, M.D.,)	
)	
Defendants.)	
_____)	

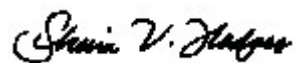
Plaintiff, proceeding pro se and in forma pauperis, was a pretrial detainee incarcerated at the Spartanburg County Detention Center (“SCDC”) at the time he filed his complaint on February 15, 2011. He brought this action against Larry Powers, Warden of SCDC, and Dr. S. Bianco, M.D., a doctor at SCDC, alleging violations of 42 U.S.C. § 1983. This matter comes before the court on Plaintiff’s motion to stay [Entry #21]. Plaintiff’s motion states “I am in transit and unable to co[m]petently represent myself at this time. I have no idea where I’ll be one day [un]til the next.” *Id.* Defendants have not responded to the motion to stay.

Since Plaintiff filed the motion to stay, the Clerk of Court’s office has continued to mail all case-related documents to Plaintiff’s prior addresses [Entry #18, #24, #38] and they have all been returned as undeliverable. [Entry #23, #32, #40]. Defendants have now moved for summary judgment [Entry #41, #46]. As Plaintiff is proceeding pro se, the court entered orders pursuant to *Roseboro v. Garrison*, 528 F.2d 309 (4th Cir. 1975), advising him of the importance of a motion for summary judgment and of the need for

him to file an adequate response. [Entry #42, #47]. The *Roseboro* orders were mailed to Plaintiff [Entry #43, #48] and were also returned as undeliverable [Entry #53, #56].

A search for Plaintiff on the incarcerated inmate search page of the South Carolina Department of Corrections' ("DOC") website reveals that Plaintiff's sentence start date was March 10, 2011, but shows only a blank space for Plaintiff's location. It appears to the court that the DOC has not provided Plaintiff with an address at which he can reliably be contacted by the court. Additionally, it appears that Defendants had custody of Plaintiff the last time he contacted the court. Therefore, Defendants are directed to file a status report by September 28, 2011 indicating: (1) whether Plaintiff is currently in the custody of the SCDC; (2) the last date Plaintiff was in the custody of or housed at the SCDC; (3) when Plaintiff was transferred from the SCDC's custody and/or housing; (4) to where Plaintiff was transferred; and (5) whether Defendants have any knowledge as to Plaintiff's current location.

IT IS SO ORDERED.



September 14, 2011
Florence, South Carolina

Shiva V. Hodges
United States Magistrate Judge