

UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH CAROLINA

James Clark, ) C/A No.: 1:11-3255-GRA-SVH  
vs. )  
Plaintiff, )  
H. Smith, )  
vs. ) ORDER  
Defendant. )

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This matter is before the court because of the plaintiff's failure to respond to the Court's order entered on January 12, 2012.

A review of the record indicates that the Magistrate Judge ordered the plaintiff to submit items needed to render the above-captioned case into proper form within twenty-one days, plus three days for mail time, and to keep the Clerk of Court advised in writing (901 Richland Street, Columbia, South Carolina 29201) if his address changed for any reason, so as to assure that orders or other matters that specify deadlines to be met would be received by the plaintiff. Furthermore, the plaintiff was notified that failure to comply with this order would result in dismissal, without prejudice, of the plaintiff's case. The Magistrate Judge's order was sent to the last known address of the plaintiff. The plaintiff has failed to provide the Court with the necessary documents and his time to do so has expired. Accordingly, the above-captioned case must be dismissed *without prejudice* pursuant to FRCP 41.<sup>1</sup> The Clerk of Court shall close this case.

**IT IS SO ORDERED.**



G. Ross Anderson, Jr.  
Senior United States District Judge

February 15, 2012  
Anderson, South Carolina

**NOTICE OF RIGHT TO APPEAL**

The parties are hereby notified of the right to appeal this Order within the time period set forth under Rules 3 and 4 of the Federal Rules of Appellate Procedure.

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<sup>1</sup> See General Order, *In Re: Procedures in Civil Actions Filed by Prisoner Pro Se Litigants*, 3:07-mc-5014-JFA (D.S.C. Sept. 18, 2007) (dismissal *without prejudice* does not count as a "strike" for purposes of the "three strikes" provision of 28 U.S.C. § 1915(g)). If the plaintiff wishes to bring this action in the future, he should obtain new forms for doing so from the Clerk's Office.