

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

James Lee Weaver Jr.,)	C/A No.: 1:12-3573-MGL-SVH
)	
Plaintiff,)	
)	
vs.)	ORDER
)	
Tim Rolly,)	
)	
Defendant.)	
)	

Plaintiff, proceeding pro se and in forma pauperis, brought this action alleging violations of his constitutional rights pursuant to 42 U.S.C. § 1983. Defendant filed a motion for summary judgment on July 31, 2013. [Entry #32]. As Plaintiff is proceeding pro se, the court entered an order pursuant to *Roseboro v. Garrison*, 528 F.2d 309 (4th Cir. 1975) on August 1, 2013, advising him of the importance of the motion for summary judgment and of the need for him to file an adequate response. [Entry #33]. Plaintiff was specifically advised that if he failed to respond adequately, Defendant's motion may be granted.

Notwithstanding the specific warning and instructions set forth in the court's Roseboro order, 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, Plaintiff is directed to advise the court whether he wishes to continue with this case and to file a response to Defendant's motion for summary judgment by September 23, 2013. 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.

A handwritten signature in black ink, reading "Shiva V. Hodges". The signature is written in a cursive, flowing style.

September 9, 2013
Columbia, South Carolina

Shiva V. Hodges
United States Magistrate Judge