

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

|                         |   |                               |
|-------------------------|---|-------------------------------|
| Gary A. White, Jr.,     | ) | C/A No.: 1:15-cv-0365 DCN SVH |
|                         | ) |                               |
| Petitioner,             | ) |                               |
|                         | ) |                               |
| vs.                     | ) |                               |
|                         | ) |                               |
| Warden Larry Cartledge, | ) |                               |
|                         | ) |                               |
| Respondent.             | ) |                               |
| _____                   | ) |                               |

This matter is before this court pursuant to petitioner’s Objection to the Report and Recommendation of the Magistrate Judge. This objection was filed on July 13, 2015. In the Magistrate Judge’s Report and Recommendation, she recommends dismissing with prejudice the this action for failure to prosecute. In his objection, petitioner includes a copy of his response to the motion for summary judgment dated June 9, 2015, along with a copy of the affidavit of service on respondent dated June 9, 2015. It is therefore

**ORDERED** that the Report and Recommendation be reversed and the case be remanded to the Magistrate Judge for consideration of petitioner’s response to respondent’s motion for summary judgment, which is included as a supporting document in his objections filed July 13, 2015.

**AND IT IS SO ORDERED.**



\_\_\_\_\_  
David C. Norton  
United States District Judge

July 15, 2015  
Charleston, South Carolina