

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

James R. Dator,	)	C/A No.: 1:15-1698-MBS-SVH
	)	
Petitioner,	)	
	)	
vs.	)	ORDER
	)	
Warden Joseph McFadden,	)	
	)	
Respondent.	)	
_____	)	

Petitioner, proceeding pro se and in forma pauperis, brought this petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254. Respondent filed a motion for summary judgment on September 15, 2015. [ECF No. 18]. As Petitioner is proceeding pro se, the court entered an order pursuant to *Roseboro v. Garrison*, 528 F.2d 309 (4th Cir. 1975), on September 14, 2015, advising him of the importance of the motion for summary judgment and of the need for him to file an adequate response by October 19, 2015. [ECF No. 20]. Petitioner was specifically advised that if he failed to respond adequately, Respondent’s motion may be granted. *Id.* On October 22, 2015, November 23, 2015, and December 22, 2015, the undersigned extended Petitioner’s deadline, granting him until December 30, 2015, to respond to Respondent’s motion. [ECF Nos. 23, 26, 29].

Notwithstanding the specific warning and instructions set forth in the court’s *Roseboro* order, Petitioner 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, Petitioner is directed to advise the court whether he wishes to continue with this case and to file a response to Respondent’s motion for summary judgment by January

19, 2016. Petitioner is further advised that no further extensions will be granted and 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.

January 5, 2016  
Columbia, South Carolina



Shiva V. Hodges  
United States Magistrate Judge