

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

Ricky M. Rodgers,)	C/A No.: 1:16-16-RMG-SVH
)	
Plaintiff,)	
)	
vs.)	
)	ORDER
FNU Glenn, Health Services)	
Administrator; Ivan Negron,)	
M.D./R.M.D., Clinical Director, Health)	
Services Department; Albert Crosby,)	
R.N., Health Services Department;)	
Jeffery Eiben, EMT, Health Services)	
Department; D. Garcia, MLP/P.A.,)	
Health Services Department; FNU)	
Hood, Correctional Officer, Health)	
Services Department; and United States)	
of America,)	
)	
Defendants.)	
)	

Plaintiff, proceeding pro se and in forma pauperis, brought this action alleging violations of his constitutional rights pursuant to *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388, 397 (1971).¹ [ECF No 1]. Defendants filed a motion to dismiss, or in the alternative, for summary judgment on May 31, 2016. [ECF No. 25]. As Plaintiff is proceeding pro se, the court entered an order pursuant to *Roseboro v. Garrison*, 528 F.2d 309 (4th Cir. 1975), advising him of the importance of the motions and of the need for him to file an adequate response by July 8, 2016. [ECF No. 26]. Plaintiff was specifically advised that if he failed to respond adequately,

¹ *Bivens* is the case establishing, as a general proposition, that victims of a constitutional violation perpetrated by a federal actor may sue the offender for damages in federal court despite the absence of explicit statutory authorization for such suits.” *Carlson v. Green*, 446 U.S. 14, 18 (1980); see also *Holly v. Scott*, 434 F.3d 287, 289 (4th Cir. 2006).

Defendants' motion may be granted. Id. On July 1, 2016, the undersigned extended Plaintiff's deadline, granting him until August 8, 2016, to respond to Defendants' motion. [ECF No. 31].

Notwithstanding the specific warning and instructions set forth in the court's Roseboro orders, Plaintiff failed to properly 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 Defendants' motion by August 25, 2016. 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.

August 11, 2016
Columbia, South Carolina

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

Shiva V. Hodges
United States Magistrate Judge