

**UNITED STATES DISTRICT COURT**  
for the  
District of South Carolina

David A. Duren, A human being under protest UCC

1-308/3-305(1)(A) iii

*Plaintiff*

v.

Joseph McFadden, Warden Lieber C.I.; Daniel  
Gourley, Asst. Attorney General,

*Defendants*

Civil Action No. 1:16-cv-03002-MBS

**JUDGMENT IN A CIVIL ACTION**

The court has ordered that (*check one*):

☐ the plaintiff (*name*) \_\_\_\_\_ recover from the defendant (*name*) \_\_\_\_\_ the amount of \_\_\_\_\_ dollars (\$\_\_\_), which includes prejudgment interest at the rate of \_\_\_\_ %, plus postjudgment interest at the rate of \_\_\_\_ %, along with costs.

☐ the plaintiff recover nothing, the action be dismissed on the merits, and the defendant (*name*) \_\_\_\_\_ recover costs from the plaintiff (*name*) \_\_\_\_\_.

☒ other: the plaintiff, David A. Duren, shall take nothing of the defendants, Joseph McFadden and Daniel Gourley, and this action is dismissed without prejudice for failure to prosecute pursuant to Rule 41(b).

This action was (*check one*):

☐ tried by a jury, the Honorable \_\_\_\_\_ presiding, and the jury has rendered a verdict.

☐ tried by the Honorable \_\_\_\_\_ presiding, without a jury and the above decision was reached.

☒ decided by the Margaret B. Seymour, Senior United States District Judge, adopting the Report and Recommendation set forth by the Honorable Shiva V. Hodges, United States Magistrate Judge, which recommended the dismissal of this action without prejudice.

Date: January 19, 2017

*ROBIN L. BLUME, CLERK OF COURT*

s/M. Walker

\_\_\_\_\_  
*Signature of Clerk or Deputy Clerk*