

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION

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Bruce A. Thomas,)
)
Plaintiff,)
)
v.)
)
United States of America, *et al.*,)
)
Defendants.)
_____)

Civil Action No. 2:16-3693-RM

ORDER AND OPINION

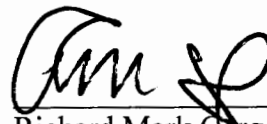
This matter is before the Court on the Report and Recommendation of the Magistrate Judge, recommending this action be dismissed with prejudice for lack of prosecution under Rule 41(b) of the Federal Rules of Civil Procedure. The present action was filed on November 14, 2016. An amended complaint was filed on October 16, 2017. Plaintiff alleges he was placed in a Special Housing Unit for an unreasonably long period, causing medical conditions from the lack of space for movement. Defendants moved to dismiss, or alternatively for summary judgment, on January 9, 2018, asserting various jurisdictional defenses and that Plaintiff fails to state a claim against former FCI Edgefield warden Linda Thomas or former FCI Terre Haute warden John Oliver. (Dkt. No. 52.) As of May 14, 2018, Plaintiff has not responded, despite a *Roseboro* order (Dkt. No. 53), a 30-day extension of time for a response (Dkt. No. 57), a subsequent further extension with a warning that failure to respond could lead to dismissal (Dkt. No. 59), and a Report and Recommendation recommending dismissal (Dkt. No. 62).

Some of the Court’s mailings to Plaintiff’s address of record have been returned as undeliverable. (*See* Dkt. Nos. 61, 64.) It is Plaintiff’s responsibility to keep his address information current so he may receive communications from the Court. Nonetheless, the Court used Bureau of Prisons public records to determine that Plaintiff moved from FCI Butner to the

St. Louis Residential Reentry Office (with a projected release date of July 14, 2018) and mailed the order of March 23, 2018, warning that failure to respond to a motion to dismiss could lead to dismissal for failure to prosecute (Dkt. No. 59) and the Report and Recommendation (Dkt. No. 62) to his current location. Those mailings have not been returned as undeliverable, yet Plaintiff has failed to respond. Plaintiff also has not responded to an address update form mailed to his present location by the Clerk of Court on March 23, 2018. (Dkt. No. 60.)

The Court therefore **ADOPTS** the Report and Recommendation of the Magistrate Judge (Dkt. No. 62) as the Order of the Court and **DISMISSES** the complaint.

AND IT IS SO ORDERED.



Richard Mark Gergel
United States District Court Judge

May 14, 2018
Charleston, South Carolina