

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

Timothy L. Murnane,)	Case No. 2:17-cv-209-RMG-MGB
)	
Plaintiff,)	
v.)	
)	ORDER
US Government,)	
)	
Defendant.)	
)	

Timothy L. Murnane (“Plaintiff”) is a *pro se* non-prisoner litigant. On January 23, 2017, he filed this civil action pursuant against the “US Government.” (DE #1, Complaint). This Court issued a Proper Form Order on February 23, 2017. (DE# 4, Order). Plaintiff has failed to bring this case into proper form, and the time for doing so has expired. Despite being furnished with blank forms, Plaintiff has not provided any proposed service documents. Plaintiff has also not identified any particular federal agency as a defendant, has not alleged violation of any constitutional provision or federal law, and has not set forth any facts in the section of the Complaint Form for his “Statement of the Claim.”

By Order of February 23, 2017, Plaintiff was given twenty-one (21) days, plus three (3) days for mail time, from that date to bring this case into proper form, pursuant to General Order *In Re: Procedures in Civil Actions Filed by Prisoner Pro Se Litigants*, No. 3:07-mc-5014-JFA (D.S.C. Sept. 18, 2007). Plaintiff previously indicated to the Clerk of Court that he is homeless. Plaintiff has never provided the Clerk of Court with any address for mailing. Therefore, the Clerk of Court was unable to mail Plaintiff a copy of the proper form order and required documents. However, Plaintiff came to the front window on March 1, 2017. The Clerk of Court provided him with a copy of the Order of February 23, 2017 and all required documents. The Clerk of Court

also specifically advised Plaintiff of the due date of March 16, 2017 to submit all proper form documents.

The Order of February 23, 2017 warned Plaintiff that his failure to provide the necessary items within the timetable set forth in the Order would subject this case to dismissal. Plaintiff has failed to respond to this Court's Order of February 23, 2017, and the time for responding has expired. Plaintiff has neglected to comply with the Order of February 23, 2017 within the time permitted under the Order. Plaintiff's lack of response to the Order of February 23, 2017 indicates an intent to discontinue prosecuting this case and subjects the case to dismissal.

As Plaintiff has failed to prosecute this case and failed to comply with the Court's Order, the case is dismissed without prejudice pursuant to Rule 41 of the Federal Rules of Civil Procedure. *See Link v. Wabash R.R. Co.*, 370 U.S. 626, 629-36 (1962).

IT IS SO ORDERED.



The Honorable Richard M. Gergel
United States District Judge

April 3, 2017
Charleston, South Carolina