

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

Thomas Harley, #162293,)	Civil Action No.: 3:12-3433-RBH
)	
Plaintiff,)	
)	
v.)	ORDER
)	
Director William R Byars, Warden)	
Robert Stevenson, DW Bush, Med)	
Dir J Moore, HCA J Smith, Dentist)	
Dr McMilliaus; Den Assist Kim)	
Gregg, Ct Clerk Jeanette W)	
McBride, Dis Off E Rowe, Att Gen)	
Alan Wilson,)	
)	
Defendants.)	
)	

This case is before the Court because of Plaintiff’s failure to comply with the Magistrate Judge’s Order of January 11, 2013. (ECF No. 8).

A review of the record indicates that the Magistrate Judge ordered Plaintiff to submit items needed to render this case into proper form within twenty-one days, and specifically informed Plaintiff that if he failed to do so, this case would be dismissed without prejudice. The mail in which the Order was sent to Plaintiff at the address provided when the case was filed has not been returned to the Court, thus it is presumed that Plaintiff received the Order, but has neglected to comply with it within the time permitted under the Order.

Plaintiff’s lack of response to the Magistrate Judge’s Order indicates an intent to not continue prosecuting this case and subjects this case to dismissal. See Fed. R. Civ. P. 41(b) (district courts may dismiss an action if a Plaintiff fails to comply with “any order of the court.”); see also Ballard v. Carlson, 882 F.2d 93, 95 (4th Cir. 1989) (dismissal with prejudice appropriate where

warning given); Chandler Leasing Corp. v. Lopez, 669 F.2d 919, 920 (4th Cir. 1982) (court may dismiss sua sponte).

Accordingly, the pending Motion (ECF No. 2) is **MOOT**, and this case is **DISMISSED** without prejudice. The Clerk of Court shall close the file.¹

IT IS SO ORDERED.

s/ R. Bryan Harwell

R. Bryan Harwell
United States District Judge

Florence, South Carolina
April 17, 2013

¹ Under General Order, Misc. No. 3:07-5014-JFA, this dismissal without prejudice does not count as a “strike” for purposes of the “three strikes” provision of 28 U.S.C. § 1915(g). If Plaintiff wishes to bring this action in the future, he should obtain new forms for doing so from the Clerk’s Office in Columbia (**901 Richland Street, Columbia, South Carolina 29201**).