

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

Gerald P. Elia,)	C/A No.: 3:15-4901-MGL-SVH
)	
Plaintiff,)	
)	
vs.)	ORDER
)	
Wheelz, LLC,)	
)	
Defendant.)	
)	

This matter comes before the court on Plaintiff's failure to comply with the court's third order requiring him to advise the court of the identity of his new counsel or his desire to proceed pro se. [ECF No. 24; see also ECF Nos. 18, 21]. On November 17, 2016, the undersigned conducted a telephonic conference with the parties in which Plaintiff assured the court that he would have ample opportunity to identify a new attorney by December 16, 2016. [ECF No. 24]. Plaintiff has failed to identify a new attorney.

The court directs Plaintiff to notify the court by January 3, 2017, of the identity of the new attorney(s) he has retained to represent him in this case or, alternatively, of his desire to proceed with this litigation pro se, i.e., without an attorney. If Plaintiff retains a new attorney, his attorney should file a notice of appearance on the docket by January 3, 2017. If Plaintiff does not wish to continue this lawsuit, he may request that the court dismiss the case in its entirety.

To this end, Plaintiff shall, by January 3, 2017, complete the attached notice and mail it to the Clerk of Court at the address indicated. If Plaintiff fails to file the attached

letter with the Clerk within the time prescribed, the court will consider him as proceeding pro se.

Plaintiff is specifically advised that, if no new attorney is obtained to represent his interests, the court is unable to provide him with legal advice and will expect this litigation to be conducted in accordance with the Federal Rules of Civil Procedure. Failure to comply with court rules could have serious consequences including, but not limited to, striking his claims and dismissing the case against Wheelz, LLC, and subjecting Plaintiff to costs and sanctions.

IT IS SO ORDERED.

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

December 20, 2016
Columbia, South Carolina

Shiva V. Hodges
United States Magistrate Judge

Name: _____

Address _____

Clerk of Court
United States District Court
901 Richland Street
Columbia, South Carolina 29201

In Re: 3:15-4901-MGL-SVH Elia v. Wheelz, LLC

Dear Ms. Blume:

In response to the order of Judge Hodges dated December 20, 2016, I wish to advise as follows:

- _____ 1. I, _____ (Printed Name), have obtained a new attorney to personally represent me in this matter. His [or her] name, address, and telephone number are as follows:

OR

- _____ 2. I, _____ (Printed Name), have **NOT** obtained a new attorney and will represent myself in this matter. I request that the Clerk of Court direct all notices and pleadings to me at the above address. I understand that I am obligated to comply with all provisions of the Federal Rules of Civil Procedure and to keep the Clerk of Court informed as to my proper address. My phone number is _____.

- _____ 3. I, _____ (Printed Name), do not wish to continue this lawsuit and request that the court dismiss the case in its entirety.

Signature

Date