

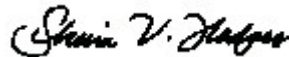
IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
FLORENCE DIVISION

JoAnne Sivak,)	C/A No.: 4:10-1832-SVH
)	
Plaintiff,)	
)	
vs.)	
)	ORDER
Town of Atlantic Beach and Officer)	
Terrance Wiggins,)	
)	
Defendants.)	
)	

This matter comes before the court on the failure of Plaintiff and her attorney to respond to the court's July 21, 2011 order. [Entry #36]. Plaintiff previously filed a pro se motion for an extension of time to obtain counsel in light of her attorney's suspension. [Entry #33]. It appearing that Mr. White had been reinstated to practice law in South Carolina, the court lifted the stay in this matter on July 21, 2011 and directed Plaintiff and her counsel to file a status report by August 18, 2011, addressing whether Plaintiff wishes to proceed with her case and whether Mr. White will remain as counsel. *Id.* The order specified that the status report was to be signed by both Mr. White and Plaintiff. *Id.* Additionally, the order directed Plaintiff, in the event that she planned to proceed without Mr. White as counsel, to direct her new counsel to file a motion for substitution of counsel by August 18, 2011, or inform the court that she planned to proceed on her own without counsel. *Id.* The order was placed in U.S. Mail to Plaintiff at her address of record [Entry #38] and served on Mr. White through the court's Electronic Case Filing.

Notwithstanding the specific instructions set forth in the court's July 21, 2011 order, both Plaintiff and Mr. White have failed to comply with the order. As such, it appears to the court that Plaintiff wishes to abandon this action. Based on the foregoing, it is ordered that Plaintiff and Mr. White shall advise the court as to whether Plaintiff wishes to continue with this case and to file a response to the court's order by September 6, 2011. Plaintiff is further advised that if she fails to respond, this action will be dismissed with prejudice for failure to prosecute. *See Davis v. Williams*, 588 F.2d 69, 70 (4th Cir. 1978); Fed. R. Civ. P. 41(b).

IT IS SO ORDERED.



August 23, 2011
Florence, South Carolina

Shiva V. Hodges
United States Magistrate Judge