

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

Anthony Lamar Wright, )  
Plaintiff, )  
vs. )  
Joanne Conley, in her individual capacity; )  
Debra Brabham, in her individual capacity; )  
Warden Mackie, in his individual capacity; )  
Dr. Moore, in his individual capacity; )  
Chuck Frazier, in his individual capacity, )  
Defendants. )  
C.A. No. 4:10-2444-TLW-TER  
ORDER

This matter is now before the undersigned for review of the Report and Recommendation (“the Report”) filed by United States Magistrate Judge Thomas E. Rogers, III, on December 13, 2011. In his Report, Magistrate Judge Rogers recommends that the Complaint in the above-captioned case be dismissed for lack of prosecution pursuant to Rule 41(b) of the Federal Rules of Civil Procedure. After the Report was filed, plaintiff filed both a response to defendant’s motion for summary judgment, as well as objections to the Report, in which he indicates he does not wish to abandon this action.

Based on these additional filings, this Court chooses not to accept the Report recommending dismissal for failure to prosecute at this time. This case is remanded to the Magistrate Judge for a Report and Recommendation on the pending motion for summary judgment.

## IT IS SO ORDERED.

February 13, 2012  
Florence, South Carolina

s/ Terry L. Wooten  
**TERRY L. WOOTEN**  
**UNITED STATES DISTRICT JUDGE**