

UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH CAROLINA  
FLORENCE DIVISION

Billy J. Bellamy and Wendy J. Bellamy, ) C/A No. 4:13-3575-RBH-KDW  
)  
Plaintiffs, )  
) ORDER  
vs. )  
)  
)  
Countrywide Home Loans; Bank of )  
America, NA; US Bank as Trustee for JP )  
Morgan Trust 2006-S4, and any other )  
parties known or unknown at this time, et )  
al., )  
)  
Defendants. )

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Plaintiffs, appearing pro se, filed this action in the Horry County Court of Common Pleas, bringing what is titled a “Complaint to Quiet Title Action.” Defendants removed the matter to this court on December 23, 2013. *See* ECF No. 1. On December 27, 2013, Defendants filed a Motion to Dismiss pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, claiming Plaintiffs’ Complaint did not present a claim on which relief could be granted. ECF No. 8.

As Plaintiffs are proceeding pro se, the court entered an order on December 30, 2013, pursuant to *Roseboro v. Garrison*, 528 F.2d 309 (4th Cir. 1975), advising Plaintiffs of the importance of a motion to dismiss and of the need for them to file an adequate response. ECF No. 12. Plaintiffs were informed that their response was due by February 3, 2014. Plaintiffs were specifically advised that if they failed to respond adequately, Defendants’ Motion may be granted, thereby ending their case.

Notwithstanding the specific warning and instructions set forth in the court's *Roseboro* Order, Plaintiffs have failed to respond to the Motion. As such, it appears to the court that Plaintiffs do not oppose the Motion and wish to abandon her action against Defendants. Based on the foregoing, Plaintiffs are directed to advise the court whether they wish to continue with this case and to file a response to Defendants' Motion to Dismiss by **February 28, 2014**. Plaintiffs are further advised that if they fail to respond, the court will dismiss their case against Defendants for failure to prosecute. *See Davis*, 588 F.2d at 70; Fed. R. Civ. P. 41(b).

The Clerk of Court is instructed to send this Order to Plaintiffs at their last-known address by way of both regular and certified U.S. Mail.

IT IS SO ORDERED.

February 6, 2014  
Florence, South Carolina

A handwritten signature in black ink, reading "Kaymani D. West". The signature is written in a cursive, flowing style.

Kaymani D. West  
United States Magistrate Judge