UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA

Josephine Burgess, Plaintiff, vs. Kohls Loss Prevention Man, and Christopher Anderson (Florence Police Department); Defendants.	C. A. No. 4:15-3203-RBH ORDER

This case is before the Court because of Plaintiff's failure to comply with the magistrate judge's Order of August 28, 2015. ECF No. 5

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 she failed to do so, this case would be subject to dismissal. The Court has not received any response from Plaintiff and the time for her compliance has passed.

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 Order indicates an intent to not prosecute 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 an 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, this case is dismissed without prejudice. The Clerk of Court shall close the file.

IT IS SO ORDERED.

October 13, 2015
Florence, South Carolina

s/ R. Bryan Harwell
R. Bryan Harwell
United States District Judge